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Lt. Governor

THOMAS A. TURCO, III  
Secretary

**Forensic Science Oversight Board Meeting**  
Meeting Minutes

**Time:** October 8, 2020 10:00am-2:00pm.

**Place:** WebEx Meeting

**Members in Attendance:**

Chairwoman Kerry Collins (Undersecretary for Forensic Science)  
Sabra Botch-Jones (Forensic Science Expertise)  
Dr. Robin Cotton (Forensic Laboratory Management 1)  
Lucy A. Davis (Clinical Quality Management Expertise)  
Judge Nancy Gertner (New England Innocence Project)  
Anne Goldbach, Esq. (Committee for Public Counsel Services)  
Clifford Goodband (Expertise in Statistics 2)  
Lisa Kavanaugh, Esq. (MA Association of Criminal Defense Lawyers)  
Adrienne Lynch, Esq. (MA District Attorneys Association)  
Dr. Ann Marie Mires (Academia, Research Involving Forensic Science)  
Professor Timothy Palmbach (Forensic Laboratory Management 2)  
Gina Papagiorgakis (Expertise in Statistics 1)  
Nancy Rothstein (Nominee from Attorney General's Office)

**Members Not in Attendance:**

Vacant seat (Cognitive Bias Expertise)

The chair called the meeting to order at 10:03 AM. A quorum was present.

**1. Minutes approval for August meeting**

- i. The meeting minutes were approved unanimously.

**2. Familial DNA**

**i. The Board has concerns:**

1. The Board is not in agreement with the principle of a familial DNA database and proposed potentially providing guidance for the regulation of such a database
  - a. The Board expressed that a familial DNA database should not be comingled with CODIS or other national databases

- b. Members mentioned the potential for Massachusetts to set up a strict database or central repository with built-in measures and standards (like California)
  - c. Wisconsin and Washington D.C. outlawed it (detailed in the comparative analysis literature L. Davis shared).
- 2. The Board cautioned that familial DNA could contribute to over-generalization. There is a potential for the familial database to disproportionately impact certain races. Members added that it could be invasive and impact innocent people due to the wide candidate pool it casts.
  - a. L. Davis stated that the national database does not allow familial searches but the operational manual does address this issue because candidate matches could be produced. **L. Davis to send out the plan on individual expected ratios and expected kinship ratios to the group to look at the guidance further.**

**ii. The Board will provide feedback to the legislature:**

- 1. The Board will provide the legislature their votes, a revised copy of the familial DNA bill and a report.
  - a. **A. Lynch, A. Mires, L. Kavanaugh and N. Gertner volunteered to work on the report.**
    - i. **R. Cotton volunteered to put together scientific resources that those writing the report may want to reference or consider.**
  - b. Part of the December meeting will be spent on finalizing the document to provide to the Legislature in January.
  - c. The report will provide context and outline the issues discussed by the Board and research on the topic.
- 2. T. Palmbach motioned a vote on who would like to have the board inform the legislature of the general concept of allowing familial DNA searches in the state of MA. L. Davis seconded his motion.
  - a. **N. Rothstein to speak with the Attorney General first before casting her vote.**
  - b. L. Davis withdrew her second on the vote made by T. Palmbach. There was no second to his current motion on voting on the concept of familial DNA.
- 3. N. Gertner made a motion for the Board to provide a document to the legislature stating that the Board is interested in providing feedback on familial DNA, have been doing an evaluation, and will provide pertinent information for their discussions on moving forward or not forward on this topic. L. Kavanaugh seconded this motion.

**3. General updates on subsections of the FSOB statute**

- i. Subsection presentations will resume in December
- ii. N. Rothstein and A. Lynch to focus on post-conviction.
- iii. L. Kavanaugh will look into the Texas lab in relation to subsection (d).
  - 1. L. Kavanaugh to prepare a short presentation of how the Texas lab operates for the December 3<sup>rd</sup> meeting.

- iv. G. Papagiorgakis and S. Botch-Jones provided an update on the progress of the guidelines and discussed the feedback on defining “stakeholders”, adding additional clarity and the research that has been conducted about the Texas commission.
  - v. **T. Palmbach and R. Cotton to visit Springfield PD in person.**
- 4. Topics not reasonably anticipated within 48 hours of the meeting**
- i. Board discussed hosting a public-facing event and a website to share what the FSOB is doing.
    - 1. **EOPSS to follow-up with the communications department.**
- 5. Public Comment**
- i. There were no public comments.

There was a motion to adjourn by N. Gertner. The meeting adjourned at 12:15 PM.

**Red= action items**