

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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MAURA HEALEY
Governor

TERRENCE M. REIDY
Secretary

KIM DRISCOLL
Lt. Governor

Forensic Science Oversight Board Meeting Minutes

When: December 1st, 2023

Time: 10:00am – 2:00pm

Via Microsoft Teams

Members	Present	MM
Kerry Collins, Undersecretary	X	X
Sabra Botch - Jones	X	X
Dr. Robin Cotton	X	X
Professor Timothy Palmbach		
Professor Richard Lempert	X	X
Gina Papagiorgakis	X	X
Cliff Goodband	X	X
Dr. Ann Maire Mires	X	X
Lucy A. Davis	X	X
Adrienne Lynch, Esq	X	X
Assistant AG Gabriel Thornton		
Ira Gant	X	X
Lisa Kavanaugh, Esq	X	X
Judge Nancy Gertner	X	X

Pursuant to the provisions of G.L.C. 30A and 940 CMR 29.00 et seq, notice is hereby given of a meeting of the **Forensic Science Oversight Board** to take place on Thursday December 1st from 10am – 2pm.

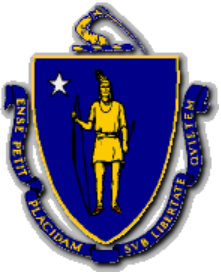
1. Minutes Approval

- The Minutes from the September meeting have been approved with edits.
- The minutes from the October meeting will not be voted on during this meeting. We ask that the board look at the edits from Adrienne and make any further edits if needed.

The board will vote on the October meeting minutes during the January meeting. Adrienne copied the minutes and provided context and referenced the prior report and minutes. Adrienne asks that Rick review the two sentences that are italicized to ensure that what he mentioned is captured currently. Utilize Member "" when referencing members

2. Bristol District Attorney's DNA Database

- a. Lisa Kavanaugh and Ira Gant met with Jessica Lewis of the ACLU and she has provided the board with the responses they have received. Jessica Lewis has offered to write a statement or provide an oral statement to the board during the January meeting as to what the ACLU has done thus far. The working group
- b. Ira Gant – it is possible that the DA has procedures in place but they do not have a written response that they can share. They may have something that they use as a guideline. They are saying that they have no written procedures or guidelines whether they have something that is informal is the question.
- c. Adrienne – 3: it doesn't refer to the individuals that are in the database but refers to the agreement for the MOU or the DAs that have access to the database. Kerry Collins is referring to this as just within the Bristol County. Related to Safeguards. Lisa Kavanaugh these questions arose to the board's larger questions as to how the county is
- d. Judge Gertner: This shows how toothless the board is. This is the one largely significant thing we have done. We should take this as a no they do not have written procedure and we should go forward from there. This should be included in the written aspect to expand the power of the board. Rick Lempert: Knowing what is in the MOU it looks like there is nothing in the full MOU that would embarrass the DA – this is a bad faith response. The second point is even if it is the case that they have procedures but it is not written that is a failure as a forensic standard. From the board's standpoint in their response to us is the fact that because they are not a forensic science provider the board has not oversight over them. We need to provide pushback because they are holding forensic elements and a database that should fall under our jurisdiction and we should include this in the proposed change to the legislature. Arielle can provide a summary of what the records request is
- e. Adrienne – do we have to publish an annual report.
 - i. Chair Collins – No only when there is an audit or an investigation into an entity.
 - ii. Adrienne – is there a mechanism where the board can vote to move to amend the statute? There is a point where we need to go to those who created the board and bring forth the vulnerabilities of this board.
 - iii. Chair Collins - add legislative updates: Board submit concerns regarding the statute and Chair Collins will help navigate how to push this through. Will inquire with our Leg director. We will then comprise a letter that we can send.
 - iv. Lisa: there is a two year cycle do you know where we are. By the end of December things need to leave committee to get to the floor for a vote on July. Need written support or support by December 31st. The best that we could hope for is a bill being filed in January of 2025 in terms of the process now is the time to get it on people's radar. Raising the issues now and involving Senator Brownsberger should be done.



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- v. Anne Marie – If we have responses for the Bristol conversation can we send directly to the subcommittee?
 - 1. Chair Collins – please send through Amy.
- vi. Chair Collins – will we have someone present to the board?
 - 1. Most likely written
- vii. Amy will sent up a poll for the January Meeting

3. Subsection Updates

- a. Subsection F provided updates regarding Education and Training. A document was shared and presented by Anne Goldbach and Anne Marie Mires and can be found here:



FORENSIC
EDUCATION AND TRA

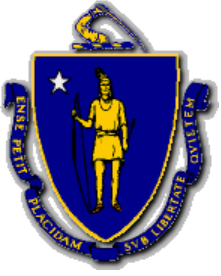
- b. A draft of the Springfield Audit will most likely be ready to be circulated to the board by the January Meeting.

4. National Association of Forensic Science Conference Updates

- a. U/S Collins and Lisa Kavanaugh provided an update. Across the country each state is trying to do something in the forensic science space and how we can learn more about forensic science. They are now a 501C3 designation and are working to establish as a organization. Each state handles oversight of forensic science differently. Some states have a commission some are imbedded within their crime lab. There are some states that are looking to have a forensic science oversight board and is using the board association as a springboard and members from the NAFSB to guide. The Innocence project and forensic science providers. Lisa presented on the work that MA has done and everything that the board has accomplished. Each state tried to provide a snapshot as to how their state handles oversight. The NAFSB will be meeting monthly in which Undersecretary is a member of the executive board. This board functions as an aid to each other in how we can help each other.
- b. Lisa Kavanaugh: Take aways is that a presentation by Lynn Garcia and took a closer look at how the Texas commission conducts their investigations. The first cases were Arson

that were referred to them by the Innocence project. That experience caused her to discuss what is involved in conducting an investigation in a non argumentative way when there is a duty to correct. Be solution oriented, collaboration and transparency as guiding principles. Arizona has a training academy and will share the notes with Anne and Ann Maire. There are things already established where we don't need to reinvent the wheel. Work for 2024 John Morgan provided a presentation on the progress of forensic science and published a book on wrongful convictions. If we wanted to do a bigger training event for next year he would be a great person to bring in.

- c. Anne: Having gone to the conference is there a wish list for what you would like to see for our board.
 - i. Chair Collins: giving the mandate to guide and oversee but having no ability to oversee. This is something funding and a dedicated staff is something that this board needs. Lisa shares this and the resources that Texas has is something that is needed in Massachusetts. In the short term we need to have the conversation of legislation changes. But in the short term we can move forward with training that can be the go to for forensics in Massachusetts and providing training for judiciary. What is encouraging is that we don't need to reinvent the wheel. The composition of the board and the mandate is ideal we just need the enforcement piece.
 - ii. Anne – At CPCS with counsel and working on proposed leg for MA we did go to the statehouse once we think about our legislative needs . Can we meet in person with the Senator?
 - 1. Chair Collins – Yes, there is nothing that stops members of this board to go and identify as a member of this board. This is something that EOPS and the leg director can help navigate.
 - iii. Ann Marie – when I endorse legislation or written support I often mention that I am a member of this board and Kerry you have made that clear. And the legislation makes it clear. How many states were present?
 - 1. Kerry: RI, NC, TX, MI, NY, SC, AK, MA, WI, There are several places that don't have a board but sent reps. UK presented as well as Australia present on their model.
 - 2. Ann Maire – is there going to be a post report on the conference?
 - a. Chair Collins: we hope so
5. Topics not reasonably anticipated within 48 hours
- a. Ira: Would like to add the State Police Analysis of their report on Amy Joys work. I know they reported out prior to Ira joining. Understand that the lab has completed phase 1 of their review and thinks its time for the Lab to provide a review.
 - i. We will reach out to the State Police for that update. We did go into executive session on the initial report. Robin Cotton asked about the status of the Crime lab director of Kevin Kosiorek was put on leave and we will submit an inquiry to BPD.
 - ii. Ann Marie – Back in September Kerry mentioned coming up with a budget or what it would take to implement subsection g. a budget to put together something for what we need to see. Can we revisit this?



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1. Chair Collins we aren't to late as it related to should be subsection J. Should the board be working on something to put a recommendation forth.
2. Chair Collins – Look at placing this on the agenda for February or march for budgeting. U/S does need to work on this subsection.
3. Ann Marie: if we can get working on this and moving on budgeting in order to move forward on some of these initiatives we need to put forward a budget so we could then move forward with priorities.
4. The meeting adjourned at 2:00pm.