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Forensic Science Oversight Board Meeting

Meeting Minutes

Date: March 4, 2020 10am-2pm

Place: McCormack Building
1 Ashburton Place, 21st floor
Boston, MA 02108

Attendance:
List pending.

The meeting was called to order at 10:03am.

1. Minutes Approval

The minutes were approved unanimously.

2. Familial DNA Bill (Bill S2480, An Act permitting familial searching and partial DNA matches in investigating certain unsolved crimes)

- a. The Board reviewed the bill. The following are some of their concerns:
 - i. The bill lacks clarity.
 1. The “director” needs to be defined. Who would perform this role, the director of the crime lab or the CODIS administrator?
 2. Who is defining cases?
 3. All of the definitions need to be more specific.
 - a. DNA databank needs to be defined as CODIS, ancestry, open, or rogue databases.

4. There are many different databases that CODIS draws from such as criminal cases and unresolved investigative/missing person cases that should be treated distinctly.
 - a. Specify CODIS/NDIS/SDIS (legitimate) versus Boston (not rogue).
- ii. Should include subject matter experts for sections of the bill.
 1. An example would be Fred Beiber on using familial DNA as a condition of participation in a temporary release.
- iii. Should not be limited and should include wrongful convictions.
- iv. Important safeguards should be placed and the burden on investigative personnel to make connections and establish probable cause and probative value of connection.
- v. Needs more safeguarding and quality assurance measures.
- vi. The MSP Crime Lab would need staff and equipment to implement such a task. Current cost estimate to implement now is \$30,000 per search.

3. FSOB Bill (Bill S1497 An Act relative to the membership of the forensic science oversight board)

a. The Board discussed their position on the Bill.

- i. The Board states that this Bill contradicts the current FSOB statute that states that no member shall be affiliated with a forensic lab.
- ii. Board members stated that it does not need representation from the MOSES individuals since the FSOB is an independent board. A. Goldbach expressed that she supports the Board's independent review and it should remain this way.
- iii. These are open meetings and a MOSES member has never attended any of the meetings. There could be a subject matter where the union may want to be heard and weigh in especially since the FSOB is making budgetary recommendations.

1. Board member asked if there was a mechanism to get them to provide feedback while not formally being an appointed member of the Board.
2. U/S Collins clarified that these meetings are open to the public and the union is welcome to attend and be heard.
- iv. The Forensic Science Advisory Board was different because it was an information gathering process and not as active and did not have the mandate that FSOB has.
- v. T. Palmbach made a motion that it contradicts the spirit of the law and G. Papagiorgakis seconded it. All voted in favor and it carried.

4. Revisit FSOB Statute and working groups discussion

- a. L. Kavanaugh and T. Palmbach will work on subsection (d).
 - i. Subsection (d) looks at complaint submissions to the Board.
 - ii. L. Kavanaugh said she would be interested in looking at how other boards or commissions have approached this and what it might look like here given the Board's resources.
- b. G. Papagiorgakis and S. Botch-Jones will focus on subsection (e).
 - i. Section E pertains to reviewing negligence at labs or misconduct.
- c. R. Cotton, A. Goldbach and A. Mires will work on subsection (f).
 - i. R. Cotton said it would be helpful to look more in depth at what the training looks like at the Crime Lab and what the competency testing looks like to get a feel for what a big accredited lab looks like.
 - ii. Anne mentioned that the section talks about actively engaging stakeholders and she said she has a vision of educating people about forensics and speaking with practitioners, judges, DAs and others.
- d. L. Davis and A. Mires will work on subsection (g).
- e. U/S Collins will address subsection (h):
 - i. She will be presenting on budget and expansion requests since that was something the Board looked at in their audit.

- ii. John Cronin added that there is a public hearing on March 16th in East Brookfield on this.
- f. N. Rothstein and A. Lynch will work on subsection (i).
 - i. A portion of the statute to look at what may be proper chain of custody and develop best practices or look at what was promulgated for the 272A regulations and looking at evidence retention regulations around post-conviction.
- g. Board to consider looking at what the requirements are for hiring and quality control.
 - i. Board should look at whether or not they want to take a position and that the recommendation could be to hold certain degrees or have certain experience. G. Papagiorgakis mentioned that there are certain positions that may have a civil service component and that perhaps at the entry-level, they should take every five years or so and eliminate the cost perspective to all that.
- h. EOPSS will send a contact sheet to the Board.

5. Review Springfield PD Lab Survey

- a. The Board reviewed the survey and indicated that they have follow-up and clarification questions.
 - i. The Board inquired about the possibility of getting redacted supporting documents from the Springfield PD Lab.
- b. T. Palmbach and R. Cotton plan on visiting the Springfield PD Lab.
 - i. Board members were instructed to send interview questions to EOPSS prior to the visit.
- c. The Board indicated that they would like the Springfield PD Lab to attend an FSOB meeting.

6. Topics not reasonably anticipated within 48 hours of the meeting

- a. A. Mires brought up whether or not they are going to consider the Medical Examiner as a forensic provider.

- i. There was a previous discussion about the FSOB mandate possibly including the OCME. The 2019 report included a consideration to review the OCME.
- ii. A. Goldbach added that a pathologist should be on the FSOB but not someone who currently works at the OCME.

7. Public comments

No public comments. There was a motion to adjourn by A. Mires and seconded by L. Kavanaugh. The meeting adjourned at 2:01pm.

8. Action items:

- a. U/S Collins said she can reach out to someone in the Maryland AG's regarding familial DNA
- b. Board asked about the FSOB cognitive bias seat. EOPSS to follow-up with the Governor's Office.
- c. Board asked about the creation of public website for FSOB. EOPSS to continue looking into the creation of a website.
- d. The Board was tasked with brainstorming potential speakers.
- e. T. Palmbach and R. Cotton plan on visiting the Springfield PD Lab.
- f. EOPSS to send a contact sheet to the Board.
- g. U/S Collins to present on budget and expansion requests at the May meeting.