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Lt. Governor

THOMAS A. TURCO, III  
Secretary

**Meeting Minutes**  
**Forensic Science Oversight Board**

**Location:** The McCormack Building  
One Ashburton Place, 21<sup>st</sup> floor  
Conference Room 1  
Boston, MA 02108

**Time:** Thursday, May 9, 2019 from 11:00AM-1:00PM

**Members in Attendance:**

U/S 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)  
David Deakin (designee for Nominee from Attorney General)  
Dr. Itiel Dror (Cognitive Bias 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)

**Members Not in Attendance:**

Gina Kwon (Nominee from Attorney General's Office) sent designee, David Deakin

**Others in Attendance:**

Spencer Lord, Executive Office of Public Safety and Security  
Arielle Mullaney, Executive Office of Public Safety and Security  
Lisbeth Pimentel, Executive Office of Public Safety and Security  
Susan Terrey, Executive Office of Public Safety and Security

**1. Swearing In**

**2. Welcome and Introductions**

The chair called the meeting to order at 11:10AM. A quorum was present.

### **3. Ethics Presentation**

David Giannotti presented on the Conflict of Interest Law and the Ethics Commission.

### **4. Open Meeting Law**

Open Meeting Law was discussed and materials were provided.

### **5. Overview of Statute and Establishing Responsibilities of Board**

Kerry Collins brought attention to the Forensic Science Oversight Board statute and indicated two major responsibilities of the board: a compliance audit and 97B regulations. The Forensic Science Oversight Board was enacted by the Criminal Justice Reform Act. Arielle Mullaney discussed the statute quoting “The board shall have oversight authority over all commonwealth facilities engaged in forensic services in criminal investigations, and shall provide enhanced, objective and independent auditing and oversight of forensic evidence used in criminal matters, and of the analysis, including the integrity of such forensic analysis performed in state and municipal laboratories.”

All of the members fit a role outlined in the statute and each member brings something special to the board.

- **Compliance Audit**

- Arielle Mullaney discussed the comprehensive audit requirement, quoting sections c, d, e, f, g and h of the statute.
- Itiel Dror inquired about the comprehensive audit, asking if the audit needed to start in 6 months or be completed within 6 months and expressed that if the audit needed to be completed within 6 months, it would be a difficult task to accomplish. Arielle Mullaney responded that the statute seems to indicate that the audit needs to be completed within 6 months. Mr. Dror expressed that the audit will be a lot of work and asked if the board would have resources to help with the audit in order to meet the deadline. Kerry Collins answered that the board needs to discuss the audit and the board needs to determine the scope of the audit. The statute indicates that funds can be allocated for the audit but the board needs to determine how they want the audit conducted and who they want to conduct the audit.
- Nancy Gertner suggested someone doing a presentation of other FSOB boards and what they did to learn their scope and their range of budget. Anne Goldbach expressed that she had hoped for the creation of this board and mentioned that Texas was the first state to have a board like FSOB and that they would be the ideal resource for finding out how to conduct an audit.

- **97B Regulations**

- Kerry Collins referred to the copy of the 97B regulations found in members’ binders which deals with rape reporting and the preservation of forensic evidence. The audit is one responsibility of the board and 97B regulations are another requirement. Kerry Collins quoted the last page of the statute which references the Forensic Advisory Board which has been replaced by the Forensic Science Oversight Board.
- The statute needs a CMR which will be drafted by the lab and provided to the board. The board should decide whether they can advise on regulations and should determine if that is the role of the board.

### **6. Scheduling Future Dates and Remote Attendance**

- Arielle Mullaney discussed remote attendance stating that the OML allows for remote attendance and participation but it has to be voted on to be enacted at subsequent meetings. Additionally, there are requirements that must be met such as the board must be able to clearly hear the member on the phone and vice versa as well as make sure all executive sessions are closed. A motion (Lucy Davis) to vote for remote attendance was made, seconded by (Nancy Gertner) and approved unanimously.
- The board decided that the next meeting would be June 6<sup>th</sup> in the Somerset Conference Room on floor 2, the following meeting would be July 9<sup>th</sup> in the Charles River Conference Room on floor 10, the following meeting would be August 1 on the 21<sup>st</sup> floor in Conference Room 1 and the fourth meeting would be September 12<sup>th</sup> in the same location. Each meeting will be 10am-2pm.

## **7. Open Session for Topics not Reasonably Anticipated within 48 Hours of the Meeting**

- Members of the board discussed meeting locations and site visits:
  - Timothy Palmbach asked if a site visit is considered an additional meeting. A meeting can take place at the MSP crime lab.
  - Nancy Gertner stated that meeting at the MSP crime lab is not a good idea for the next meeting. The next discussion should be standards and then a site visit can occur.
- Members of the board discussed the audit. The bullet points below contain highlights of the conversation.
  - Sabra Botch-Jones mentioned that the board should look at the most recent audit results by accrediting bodies instead of starting from ground zero.
  - The members discussed which laboratories would be included on the audit. They discussed which laboratories are accredited. Lucy Davis, the lead assessor at ANAB, mentioned that BPD, UMass Medical, Worcester PD and MSP are all accredited through ANAB. A list of accredited laboratories can be found online.
  - Nancy Gertner stated that it seems that the focus is only accredited laboratories but the reality is that there are accredited and non-accredited laboratories.
  - Itiel Dror expressed that he is more interested in knowing about the non-accredited laboratories. Mr. Dror asked whether the board has the authority to make accreditation mandatory.
  - Robin Cotton stated that in thinking about doing the audit, the board has to consider standards. What are acceptable standards? Think about who will conduct the audit and their qualifications and what the standards will be.
  - Board members expressed that a list of accredited laboratories, a list of non-accredited laboratories, available audit results and accreditation standards should be provided to the board.
  - Lucy Davis stated that all Massachusetts laboratories that are accredited by ANAB should have documents readily available. Lucy Davis mentioned that the accreditation companies and laboratories will know what to provide and that when it comes to ANAB, the information of accredited laboratories can be looked up on their website and that reports of past four years should be readily available.
  - There are two major ISO standards and the laboratories get a full report and recommendations for FBI quality standards once an audit is completed. Lucy Davis mentioned that the two ISO standards are ISO 17025 and ISO 17020 and the standards are available but they are copyrighted and need to be purchased. The FBI standards are available on their website. Robin Cotton added that the cost of the standards is about \$50 each. Itiel Dror added that OSAC's website has

standards publicly available. The two ISO standards, however, must be purchased.

- Timothy Palmbach added that once a laboratory goes through a cycle, the auditor looks at the full-comprehensive history, usually 5 years back, so it might not be necessary to ask for older audit results. Board has to check if this is the case with ANAB.
- Itiel Dror inquired about the legality of producing those records in a public domain given the OML. A discussion with the lab has to happen to figure out if they are okay with making the documents public.
- A motion (Ann Marie Mires) to provide standards was made, seconded by (Nancy Gertner) and approved unanimously.

## **8. Public Comment**

No public comment. A motion (David Deakin) to adjourn was made, seconded by (Ann Marie Mires) and approved unanimously.