

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

One Ashburton Place, Room 2133
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MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

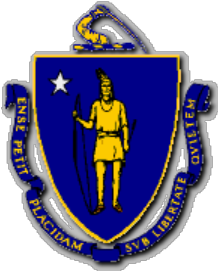
TERRENCE M. REIDY
Secretary

Forensic Science Oversight Board Meeting Minutes
When: September 29th, 2023; 10:00am -2:00pm
Via Microsoft Teams

Forensic Science Oversight Board Attendance			
Name	Present	Absent	MM
Undersecretary U/S Collins Collins	X		Yes
Sabra Botch - Jones, PhD	X		Yes
Dr. Robin Cotton	X		Yes
Richard Lempert, PhD	X		Yes
Gina Papagiorgakis	X		Yes
Dr. Ann Marie Mires	X		Yes
Clifford Goodband		X	
Professor Timothy Palmbach	X		Yes
Lucy Davis	X		Yes
Adrienne Lynch, Esq.	X		Yes
AAG Gabriel Thornton	X		Yes
Ira Gant	X		Yes
Lisa Kavanaugh, Esq.	X		Yes
Justice Nancy Gertner	X		Yes

1. Minutes Approval
 - a. Minutes have been approved.
2. Subsection Updates
 - a. Springfield Audit
 - i. No update
 - ii. Robin – we should reach out to Springfield with some final questions
 - iii. Amy will coordinate with Robin and Tim to set up a meeting with Springfield.
 - b. Chain of Custody

- i. Training directed to court personnel and potentially police evidence and practitioners. What are the next steps? Can we publish the protocol.
 - c. Anne Goldbach – almost done with the subsection still waiting for 2 institutions to respond. We should be ready to discuss further in October.
 - d. Did the breath test training happen?
 - i. Ira – Yes, training between CPS and OAT occurred and there were about 400 in attendance through the webinar. Verification and calibration of the machine was the focus. It was recorded and shared – we can circulate to the board if that is what is wanted.
 - ii. Judge Gertner: Presentation in Washington on this subject – we need to also include appellate judges.
 - e. Subsection D
 - i. Lisa: Gabe, Ira and Lisa met in August. Seeking the board's opinion. What do we need to put in place to think about how the board can initiate investigations. We think the Texas FS Commission has a procedure in place. They collected the documents that have been published. Also reached out to Lynn Garcia to see if they have any documents that have not been published but would be useful. From there we would develop a procedure that would be beneficial to our board and how we operate. Come up with a list of topics that we would like to take on – the subcommittee should look at proposed legislative means that could be helpful.
- 3. Subsection G Presentation
 - a. Lucy has shared a presentation.
 - b. U/S Collins – When we look at the statute we have a plethora to explore. It doesn't outline Certification, but this is important to see the difference between certification and licensing. I think we should look at it like we did with Chain of Custody. Maybe we have the labs self report.
 - c. Anne Marie – Coming up with a best practices document will probably be our best bet.
 - d. Tim are we looking at ISO?
 - i. This would be a best practice document – maybe we have one section of those who are accredited and those who are not. Budget and resources are constrained but a best practice should not be a difficult task.
 - e. Robin – Was a director of an accredited lab and it is a robust process it covers a lot of things, but the analysts do have some minimum education and proficiency tests with continuing education requirements. Those practitioners who are not accredited or a lab if we take those who are outside of the accredited. If as a framework if those who are not accredited are certified and have continuing education and proficiency, we are moving a long way forward. If we can't get everyone accredited then what is the next best thing and how can we frame this for the smaller jurisdictions.



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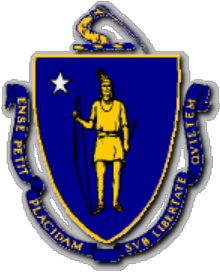
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- i. U/S Collins –If we look at Springfield versus Boston. Boston is a crime lab whereas Springfield offers forensic services. If we have a provider that can not afford than what should they be work towards for guidance.
- ii. Rick – It would be wise to expand the list of accredited and certified. Low hanging fruit that should be easy to do is to include a list of those who can provide certifications to those entities that are recommended to the board.
- iii. U/S Collins - Do we have ideas on how to put together a menu of sorts
 1. Gabe – best practices suggest sources of funding outside of state. Maybe the legislature can provide something that would offer grant funding.
 2. Lisa – Transcript reviews – Texas commission has addressed the appropriate ways to address this in court. There are some concerns with what the DOJ has in place it can be of value for the board to review. It would be a long process of education but there is a place for us to do so and then provide uniform guidance.
 3. Rick – It should be a goal to provide consolidation and professionalization, so we don't have a boutique forensic shop.
 4. Anne – I think it will be good to reach out to BPD for what they would like of certification for there folks and recommendations for those that are in the police department. This is a labor-intensive prospect we need to look at every discipline to provide the best document. Supports rick's idea of a timeline. We can provide a a wish list for funding and resources to the legislators.
 5. Robin – We may need help from State Police or Springfield but we need to define to the outside who needs to pay attention to this document. We can take Licensing off the table and stick with certification and accreditation.
 6. U/S Collins – The legislation states licensing. Licensing is just what the state says you need to do.
 7. Adrienne – The question is if we are going to do this a cost benefit analysis would need to be done. What are the added services on the state lab if we cut out some of the smaller entities If we were going to come up with a proposition that the use of small labs that didn't go

through the accreditation process that we should at least recognize/look into what the added demands on the state lab would be.

8. U/S Collins – This is difficult while looking at what the statute is requiring and requesting. Asking the board to review and think broader in terms of what we want to accomplish. Utilize EOPSS to reach out to MSP and BPD to see what they think would be helpful. Money is always going to be a problem but use this to include as a limitation. We will include this on the next agenda. Create a wish list and then Amy will send to Lucy, Ira and Gabe.
4. National Association of Forensic Science Conference
 - a. Judge Gertner – circulate the legislation of all the boards that are created.
5. Future Meeting dates
 - a. Most likely set a November date possibly skip December given the holidays. But if we can look into the next year so we can set our dates
6. Topics
 - a. Lisa: Bristol and the ACLU shared a request she submitted to the DAs office. Requesting information that we had originally sent the DAs office earlier. Seek copies of what the data base looks like and the protocols. The response that was received is inadequate and the response cites many exemptions and secrecy of grand jury investigations. Place this as a formal agenda item. If we look at the response to specific requests. Can we solicit from the lab and see if there are additional concerns. Do we want to make a PRR to the Bristol DAs office? And do we want to write a letter to the GOV?
 - i. U/S Collins – if we want the board to look at this then we look at the scope of this. Under what section of the statute would you want to look at this?
 1. Lisa – it would be appropriate as reopening the investigation. We have new information that was not available when we had originally reported. Subsection D
 2. Jessica Lewis – staff attorney at ACLU. The sections of the response that people outside of Bristol may have access to the database. And cite exemptions for these requests
 3. Rick – I don't feel comfortable at this moment to vote on this. I think that as a board we should have privileged access to information. We also have open meeting law is there anything that stops us from discussing privileged information.
 - a. U/S Collins – we can enter into executive session if there is information we can't discuss before the public. We can only receive information as to how an entity wishes to provide it. We can look at the genesis of this to see what the board asked for and what we received. This board has no power to entice an entity. Circulate the minutes that contain information with the Bristol DA.



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7. Public Comments

- a. No Public Comment was entered.