



The Commonwealth of Massachusetts Executive Office of Public Safety and Security

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TERRENCE M. REIDY
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Forensic Science Oversight Board Attendance			
Name	Present	Absent	MM
Undersecretary Kerry 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
*Left at 12pm			
** Left at 11am			

Forensic Science Oversight Board

When: June 14th, 2024

Via Microsoft Teams

1. Meeting Minutes

Adrienne Lynch submitted edits to the meeting minutes. They will be recirculated after the meeting. EOPSS will be exploring methods in which we can record the meeting and publish. The public can also ask to view the meeting minutes prior to the meeting).

2. OAT Presentation (Massachusetts State Police Crime Lab)

The Crime Lab (MSPCL) shares a presentation with the board and the public. This presentation will be available via the Forensic Science Oversight Board Homepage on the Mass.gov website. Christine Tyson is the MSPCL Forensic Chemistry Section Manager and Shane O'Sullivan as the Ombudsman of the State Police Crime Lab. Ira Gant adds that slide 46 and 43 the calibration worksheet – Dräger has programmed to the MA tolerance level. Is this true for the field tests and the calibration? Acceptance criteria, contained in laboratory protocol, is the criteria the lab analyst uses to evaluate the values obtained at each step of the certification process on the BT Certification Form. Tolerance range is used to describe the ranges set in the instrument for tests performed by law enforcement which comply with the CMR or are other ranges that the instrument uses to detect interfering substances or display a status message in the Certification or Verification Test Results field on lab printouts. For tests that are done in the field, subject breath tests and periodic tests, there are legal requirements to follow. When there is a legal requirement or mandate for an IR value tolerance, Dräger has programmed the instrument to display a pass or fail, using the values in the CMR. Per the CMR only the IR value is admissible. For the calibration, the IR and EC values are evaluated and that is where the acceptance criteria come in from the lab. What does the calibration worksheet look like if it falls outside the calibration? If the instrument verification fails, the protocol allows a second run. The analysts will initial the boxes on the worksheets as they perform the work. If it is run twice there will be two initials in the box. Tim Palmbach asked does the National Highway Traffic Safety Administration (NHTSA) also have requirements for the adjustment procedure? The requirements do not differentiate – the MSPCL procedures exceed the NHTSA requirements.

3. Presentation by Atty Bernard

Atty Bernard presents to the board. The presentation will be available to the public through the Forensic Science Oversight Board homepage via the Mass.gov website. Lucy Davis asks if this presentation and the does the discussion with the oversight board answer their questions regarding the machine and the situation pertaining to the lawsuit? Is there anything additional he would like from the board? Atty. Bernard states that this has been very helpful however the machine is still producing an answer "pass" which is something that needs to change when in fact the machine may have failed. U/S Collins adds that there is action this board will take, it is solely for the discussion of the board. Tim Palmbach adds that there is no lack of scientific validity of the calibration process is faulty, and this is more of a communication issue. The board will add an element of training as it pertains to the OAT. To the extent that the worksheets are easier to understand that is a good goal but there is also an element on leaning on the experts to assist in the user and courts



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understanding of the process. Ira Gant agrees that this is a matter of communication and transparency.

4. Springfield Audit Report Vote (Robin and Tim)

Adrienne Lynch, Rick Lempert, Ira Gant, Anne Marie Mires, and Lisa Kavanaugh have submitted comments to this report. Around the section of cognitive bias – this section should be expanded upon. EOPSS will condense all comments submitted to one and provide to the working group. The document will be reviewed prior to the next meeting and a vote will occur.

5. Review and vote on proposed amendments to 22E (Lisa)

Anne Marie Mires states that this is the language that the board should accept. In addition, the board should draft a letter explaining why it has been removed from the familial DNA section. Ira Gant agrees with the statements made by Anne Marie. Tim asked why this is being stripped from the familial section. Lisa Kavanaugh adds that there have been investments made by those stakeholders in forensic genealogy. Lisa Kavanaugh will develop a clean document and share with EOPSS. Adrienne Lynch adds that there is a DOJ policy that has resulted in two states discontinuing their familial DNA process. This item will be shared with EOPSS and the board.

6. Proposed guidelines topic for Testimony (Ira)

This is an open discussion to develop a small group that is willing to work on this item. As it pertains to the FSOB's scope the consensus is that this falls under the scope of Subsection F. Adrienne Lynch and Ira Gant, Lisa Kavanaugh, Anne Maire will be apart of this working group.

7. Initial discussion of FSOB enabling statute amendments to strengthen ability to fulfill obligation to conduct investigations (Ira and Lisa)

Lisa Kavanaugh will dedicate time to this over the summer. There is potential to have Lynn Garcia from the Texas Commission to provide more guidance and enter potential conversations with Senator Brownsberger on the topic of amending the statue. Also worth looking into the FSOB that can issue subpoenas. General Reminder: For outreach the board will send items to Amy and then disseminate to the remainder of the board.

8. Social Law Program (Anne)

The board would like to include during the program a discussion of some of the barriers that they have experience. Also suggested that a presentation be given providing history showing that there is a need for this board in MA. They should focus on what this board

wants to do but hasn't been able to because of specific limitations they have. The board would like to see if Lynn Garcia from the Texas Commission a supporting voice for this presentation could be. Ira Gant mentions that public feedback would be important..." what do you think/want this board to be doing?" Is there a cost to attend this training? (Comment – this should be a statement whether or not there will be a cost to attend, I'm not sure of the answer) The date of December 5th will be the Social Library date. Anne Goldbach suggested setting aside a board meeting for public forum feedback so that individuals who cannot attend are still able to contribute.

9. Future meeting dates (September)

A doodle poll will be sent out to the board to schedule the next meeting, and we will keep the 10am -2pm timeframe. The complaint from Tiffany Roy should be considered for the upcoming agendas so we can provide a notice to Ms. Roy and Atty. Belger

10. Topics not reasonably anticipated within 48 hours

Meeting postings will be published ahead of the 48 hours' notice. Lucy Davis added that the Barnstable County Sheriff's Office Forensic Laboratory is actively seeking accreditation. The board may want to reach out to see if they need assistance in accreditation.