

Crime Laboratory Commission Meeting

August 6, 2007

Department of Attorney General

150 South Main Street

Providence, RI 02903

3rd Floor Conference Room

11:30 a.m.

In attendance were Attorney General Patrick C. Lynch, Deputy Attorney General Gerald Coyne, Christopher Cotta, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Lieutenant Dennis Pincince, Rhode Island State Police; Nancy Haley; Chief George Kelley, RIPCA; Dean Donald Letendre, URI College of Pharmacy; Dr. David Uliss, Rhode Island Department of Health.

I. INTRODUCTION

A. Welcome to Commission Members

Attorney General Patrick Lynch welcomed Commission members calling the meeting to order at 11:40 a.m. Introductions were made of Commission members.

B. Minutes of December 16, 2004 meeting

Attorney General Patrick Lynch entertained a motion to approve the

minutes of December 16, 2004. Chief George Kelley made a motion to accept the minutes, with Nancy Haley seconding the motion. All being in favor, the December 16, 2004 minutes were approved.

C. Review of Minutes of 2004 meetings

Commission members had been previously sent the minutes of 2004 for review. Attorney General Patrick Lynch mentioned it was good to reflect back over the minutes from 2004.

D. R.I.G.L. concerning the Commission and Laboratory

Deputy Attorney General Gerald Coyne noted due to Separation of Powers the Commission had not met since December 2004. Despite Separation of Powers, this was a Commission that worked very well. He gave Director Hilliard credit for keeping things working as well as they have, recognizing it took a lot to make that happen.

In the package Director Hilliard handed out, was a copy of the current sections of the law that apply to the State Crime Laboratory Commission and to the State Crime Laboratory as amended under the Separation of Powers. He pointed out the changes that effect the Commission directly. There are three appointments by the Governor, Chief George Kelley, Nancy Haley and Clay Choquette.

Director Hilliard also wanted to bring to the Commission's attention 12-1.1-8 Section 9, which makes this Commission report to the Governor, the House of Representatives and the Senate on an annual

basis on the activities of the Commission.

Attorney General Lynch stated, he will send a letter to the Governor, Speaker of the House, Senate President, and Secretary of the State informing them the Commission has met and attach copies of the 2004 minutes. With no objections, the Attorney General will forward the letter.

II. LABORATORY STATUS

A. Review of Laboratory Progress Reports

Director Hilliard provided Progress Reports dating back to 2004. During a 2004 meeting a Progress Report was given for FY04, which ran from July 1, 2003 to June 30, 2004. In 2003 a LIMS System was implemented and they converted to a Calendar Year reporting basis. Enclosed in the package Director Hilliard provided are three years of progress reports. This identifies who was utilizing the Laboratory, how many cases they submitted, the types of crimes the Laboratory is involved with, and the total number of cases, which came into the Laboratory for that calendar year and the number of items submitted or examined.

In caseloads, there was a 3% increase from 2004 to 2005, in 2006 there was an 18% increase. Director Hilliard anticipates 2007 to match if not exceed 2006 submissions.

Most common cases are weapons violation, arson cases and latent prints. Police departments that mostly use the Crime Lab are: Providence, Cranston, State Police and Pawtucket. Backlog increased from last year due to the Accreditation process.

Also, detailed in the report are the conferences laboratory staff have attended, lectures they have given, meetings which have been attended and tours of the Laboratory that have been done.

On average Lab personnel are testifying 8-10 times a year in cases for the Attorney General's office.

In the last six years, the Crime Lab has done 150 presentations to public groups, at the request of URI.

Attorney General Lynch stated he had been to quite a few and stated it is a great tool to educate and inform people about what the Crime Lab is doing.

Chief George Kelley noted going back to 2004, the Crime Lab was being underutilized; however, it seems as if the message has gotten out there. Since 2004 the Crime Lab's use has tripled.

B. ISO/IEC Accreditation

Director Hilliard supplied each Commission member a copy of the Accreditation Certificate. Director Hilliard wanted to acknowledge the effort by his staff, in particular Katherine Beagan and Amy Duhaime.

Accreditation was confirmed in April 2007. The staff has been working on this process for the last four years. With help from the Justice Commission, Attorney General's office, and Police Chiefs' Association they were able to secure funding, time and effort that needed to be done to make it happen. In the audit in January 07, it was found that there were 13 deficiencies against the ISO standards. All were remedied by March of 07 and certification was received on April 19, 2007. The Accreditation is good for three years but will involve some annual reports to the Committee and a visit from them on a second year basis and another full audit in three years.

Nancy Haley inquired as to the cost of the accreditation process.

Director Hilliard stated it cost \$7,000-8,000 for this company to do the audit. This consisted of a pre-audit and a full audit. Basically paying for their travel and housing expenses and also a small fee was paid to the agency for the accreditation.

Dean Letendre wanted to commend Director Hilliard and his staff on what a great job they did in preparing for the accreditation.

On behalf of the Commission Attorney General Lynch will do a letter of recognition to Amy and Katherine for the work they have done. Not only preparing for accreditation, they have also taken on enormous caseloads and community outreach.

Director Hilliard spoke regarding the Internship Program. We allow two interns a year during the summer session and have background procedures, which we didn't have previously. We do an extensive research on these people and interview them before they come in. Adel Irizarry from the Attorney General's Department has brought up three to four interns on a regular basis under that program.

a. Remaining Issues

Director Hilliard spoke regarding confidentiality in terms of cases. Providence Police have sent a letter of agreement saying that the Crime Lab can share all their reports with anyone from the Attorney General's office who has authority to see them. We don't have those agreements with all the other departments. There needs to be some language that could be used so that we could blanket all agencies that have an interest in the reports. Right now if Pawtucket is interested in conducting a case in which somehow Providence was involved, they may want to see our reports; however, we couldn't directly give it to them. It isn't a big deal but needs to be addressed somehow in language that the accrediting body can accept and that we can allow sharing of information.

Another example is the Memorandum of Understanding the State Crime Laboratory wants to have with ATF, a copy of which is in Director Hilliard's handout. Departments send the Crime Lab guns with obliterated serial numbers. The main agency that is concerned with the obliterated numbers is ATF, so it's important for them to get that information as soon as possible. We would like an agreement with the Commission that we can supply the information directly to ATF.

Deputy Attorney General Coyne stated the concern would be if the Crime Lab were to discover information that was exculpatory, and it was only to go back to the police department, it would put us in a very difficult situation. The police department had been notified properly by the Crime Lab that there was exculpatory information and the police department declined to authorize the sharing of that with us. Ultimately the State would be held accountable for that because it would be the State Crime Lab that would have known. The concern being those departments that don't use the Crime Lab all the time might not recognize to the extent the big users do, that once a case goes into the Crime Lab it is just as important to clear somebody as it is to find the right person. If results come back to clear somebody we need to know that we'll have access to that information. It's just as important that we have the ability to not bring a charge as it is to bring a charge. These are not issues that are unique to Rhode Island, just like the MOU with ATF. It would be interesting to see how that works in other jurisdictions.

Director Hilliard agreed that it is important that we get some sort of language together that not only covers this issue with ATF but all the departments that may need it.

It was decided after suggestion from Attorney General Lynch, in order to get substantive feedback by the next Commission meeting, Chief Kelley will coordinate with Director Hilliard, Colonel Esserman and Chief Serpa in getting a copy of the Providence Police Department's letter. This way the Executive body of the Police Chiefs can take a look at it, give some feedback they are comfortable with, and if they have any questions. Then it can be decided together what the best route will be.

Director Hilliard mention there was some talk about putting something on the Evidence Submission Form that says this information will be shared with the appropriate authorities unless you say otherwise.

Director Hilliard spoke regarding the effort made in the last legislation session to introduce a bill that would authorize them to hold firearms in a reference collection at URI. The Crime Lab cannot legally hold them under current state law. They either have to be sold in auction, returned to the owner or destroyed. The Attorney General's office introduced legislation in both the House and Senate last year that was opposed by the gun lobbyists. Director Hilliard questioned if

there will be an effort to put that bill back in again. Right now we've been taking parts of the guns and letting them go into destruction and keeping parts that we can use.

Attorney General Lynch requested that at the next Commission meeting on the agenda he would like to enclose a copy of the legislation so Commission members have an opportunity to review and come up to speed with the language on it. This Commission can come to an agreement that we go up and be prepared to pre-file and come out aggressively with that legislation.

C. Systems Updates

a. NIBIN Update

Adel Irizarry of the Attorney General's office continues as the NIBIN operator. She is at the Crime Lab approximately once a week. The NIBIN system is maintained by ATF at no cost to the Crime Lab. For CY2005 398 casings were entered, producing 30 leads with 6 confirmations; CY2006 276 casings were entered producing 34 leads with 4 confirmations.

NIBIN Congress wants to train disabled Veterans in the NIBIN System to help laboratories with caseload.

b. AFIS Update

The Cogent System was installed at the end of 2004. Stations were installed at the Crime Lab as well as the Rhode Island State Police.

The main repository for the fingerprint database is at the Attorney General's office. The Crime Lab computer is relayed through networking to the Attorney General's office and then out to Connecticut.

Ed Downing provided the following statistics for the AFIS System: In CY2005 345 latent to ten print comparisons; 662 in CY 2006 and 462 so far in CY2007. The numbers are going up. The hit ratio for those entries is approximately 10%. They also will enter a latent against an unknown database, which remain unidentified because the perpetrator hasn't been arrested or hasn't been convicted of a felony.

The newest introduction is palm prints. A palm print database is being created. In CY2005 we entered 14, in CY2006 168 were entered and in CY2007 so far 65 have been entered. There have been five hits, four in 2006 and one in 2007. Those numbers will go up once the people being processed are processed for palm prints and once it becomes generally accepted among all the departments. The Cogent System has been working great, much better than the previous system.

The Attorney General wanted to thank Chief Devine of the BCI Unit at the Attorney General's Department who had a team going back and forth to Connecticut with truckloads of identification cards. The payback now in solving crime and the efficiency of the system is remarkable in terms of the time in response versus the old way of

doing things.

Deputy General Coyne mentioned Lieutenant Leroy Rose from the Rhode Island State Police, and what a great job he did in helping with this endeavor.

i. Cogent Maintenance Costs

Director Hilliard spoke regarding the maintenance costs of the Cogent System. The system itself was paid for by grants; however, after a year a maintenance contract has to be paid on the system. It was decided the cost would be split among the users with 50% to the AG's office; 25% to RISP; and 25% to Crime Lab, who are the three users.

The invoice came to the Laboratory in May of this year for 2 years of maintenance. Fortunately, there were sufficient funds in the current 2007 year to pay this bill. Starting this August the Crime Lab will be getting a monthly bill from the Attorney General's office, which will be much easier to manage. As the Director of the Laboratory, when I ask the General Assembly to give me money and they don't give it to me, I have to find it somewhere else. If we run a deficit we'll have to come back to the Attorney General's office and say we ran a deficit, we can't pay you this month. It's a work in progress with myself, Chris Cotta and Jerry Coyne as to how we address this. This is

something this Commission should be aware of. The prices are only going to go up each year. I can tell you when something goes down they come in right away, take the piece out and the next day you're back up and running, so there is no problem with service. We've only had to use it fortunately one time, but we do have service contracts because of the eventuality of equipment going down.

Deputy Attorney General Coyne stated when the FBI brought the AFIS System on line, Rhode Island was paired with Connecticut. When Connecticut informed us five years ago that they were going to be going out to bid and upgrading we had no alternative but to do what we did, which was to piggyback onto Connecticut. We didn't have the ability to go out on our own. Lieutenant Rose of the State Police has developed a lot of expertise, as well as people within our office. We are now up for renewal. It was always envisioned that we would renew at least one time. Does Rhode Island invest in AFIS of it's own or do we remain linked up with Connecticut? It's an expensive proposition either way. AFIS is a necessity not a luxury and Chris Cotta has included it within our capital plan going forward to at least put it on the legislatures horizon. The reason we were able to get it the last time was that we had appeared before the legislature for several years in a row telling them that AFIS was going to come due, we would need a new AFIS. If it hadn't been for the then Speaker of the House agreeing to let us go on to the State Police Building Bond we wouldn't have had the money. That was a one time fix that we benefited from. AFIS is great technology, it is a necessity but it is

very expensive.

Chief Kelley stressed how difficult it would be without AFIS. What's it's done for his department is amazing.

Director Hilliard noted if you go on your own that maintenance contract is only going to go up. It's just something that needs to be brought to the Commissions attention. It is going to be a big problem in the next year or two, especially with budgetary problems coming this year.

Chris Cotta stated the total was \$133,000. Maintenance has changed from the inception in October 05 to 07. We integrated an enhancement to the system where it attaches to the criminal history system, so instead of it being \$68,000 a year it went to \$82,000 a year. The newest proposal from Cogent is going to be \$92,500. The Crime Lab's bill will go down because they paid for 22 months.

c. Salary Survey – Upgrades, Step Increases, Director's salary

Director Hilliard brought to the attention of the Commission some upgrades within the Crime Lab. The Crime Lab in consultation with Deputy General Coyne, moved to upgrade the position of Kim Freeland from Technician I to Criminalist I and to provide a merit step increase to Lawrence Pilcher. Director Hilliard also recommends that other staff members be provided a step increase in the FY08 budget retroactive to the beginning of the fiscal year. In the classified

system within the State, they are hired at the low level and receive steps at increments, within the non-classified service that we are in at the University, steps are present in the salary structure but they are not automatic. They are negotiated or they are given as a merit increase based on the fact that you have money to do so and based upon we are a grant associated laboratory opposed to a state funded laboratory. You'll see the budget includes those step increases for the rest of the staff that are there.

This Commission, although it was a different formulation in December 2004, and prior to that in October had discussed the compensation to the Director's salary and the fact that it should be tied to the consolidation effort. It's been 2 ½ years and the consolidation effort didn't happen.

Director Hilliard also provided the Commission the salaries that were given to him from the Department of Health for those positions that may move over to the Laboratory with consolidation.

Also, the 2008 proposed budget for people within the Crime Lab, the Criminalist I, II, III and the Director. You can see some disparity in the amount of money that are providing in the base salaries. There needs to be some adjustments either now in FY08 or in FY09 if the consolidation effort goes on. There is something here we can look at in terms of the Chief or Director of the Forensic Sciences at the Health Department versus the Director of the State Crime Laboratory.

Director Hilliard noted he didn't separate them out per person, and the fringe is different for classified versus non-classified. It's a different retirement package and a different benefit package in terms of health as to who pays what. I'm not sure what URI, what the government decides to assess their people over the same as to the State. So benefits might be different.

Nancy Haley questioned if that reflects the individual in that position now?

Director Hilliard noted that is their current salary including longevity, but not including overtime. No overtime is allowed. We don't provide for overtime pay in the laboratory we provide with time off. These would be their salaries currently that would include any longevity benefits they are entitled to.

Chris Cotta questioned if Director Hilliard was discussing consolidation efforts or salary adjustments?

Director Hilliard stated salary right now, but this will lead into consolidation later on.

Dean Letendre stated it's unclear to him how we move forward here, except to say that this has been in limbo the last couple of years and

this has been an issue that's overdue.

Attorney General Lynch agreed this has been a reoccurring theme particularly the unfortunate but perspective loss of great talent. We train them, pay good money to do that and then aren't prepared to compensate them even to the base level of neighboring states. We lose good people and then we go back to training again. It's certainly a problem that we've talked to about at length.

Dean Letendre requested this issue be brought front and center so we can address it before it becomes a problem, if it isn't already.

Attorney General Lynch felt as we get into consolidation consideration, this is a good opportunity to look at the whole landscape of comparable positions. We should get into the consolidation conversation and work off that as we get towards the next meeting. That I think sets us up for a good series of solid meetings and with a view towards going to the legislature next year not just holding our hands up and saying we're losing great talent. Actually come back and say this is where it should be, this is how it makes sense for you in funding and organizing the government, where people in the Department of Health are parallel. Get equal pay and try to resolve at least some of the issues, maybe not all of them. My suggestion is to get into our consolidation considerations and then continue to work off that as we get back together in the fall, looking forward to our budget presentation for 2009.

Deputy Attorney General Coyne echoed the Attorney General's point. Today is unfortunately catching up on three years of undone business, but as we identify the confidentiality issue, the legislation and certainly salaries is something we can break out as a separate issue for the next meeting where we can bring some of that survey you did up to date Dennis and put it on the agenda.

Director Hilliard did not know what increases are going to be negotiated for cost of living this year, if any; however, those contracts expire July 1, 2007. Negotiations are ongoing with several state unions for contractual raises and contract negotiations in FY08 is what they're making now plus the step for those who would be eligible not including a 2 or 3 % raise.

D. Consolidation Efforts – Governor's Decisions

a. RISP/Laboratory Building

Director Hilliard spoke regarding the Memorandum of Understanding that the University and the Department of Health would sign onto for bringing those people into the Crime Lab. That was in conjunction with the plan to relocate everyone to the new facility within the State Police Headquarters.

Director Hilliard had been part of three committees charged with overseeing the creation of a new Rhode Island State Police Facility, which was to provide space for a planned consolidated Forensic

Crime Laboratory. Serving on the Committee that interviewed and selected an architect firm for the planning of the facility, the Steering Committee as well as the Working Committee, which made recommendations on site and building plans. At a Steering Committee meeting, Director Hilliard was informed that due to budgetary issues, the Forensic Crime Laboratory was being dropped from the plans. This decision came from the Governor's office. Senator Blais spoke with Mr. JR Pagliarini in the Governor's office who said the decision was strictly budgetary.

b. University of Rhode Island Plan

With no place to consolidate to and no Commission to come back to and report to, Director Hilliard had been in regular communication with Deputy Attorney General Coyne. At the time Director Hilliard spoke informally with President Carothers about the possibility of locating the consolidated Laboratory at URI if the College of Pharmacy was successful with their Bond Referendum in November 2006.

At the suggestion of President Carothers Director Hilliard submitted a proposal for the space necessary for the Crime Lab. In December 2006 Director Hilliard submitted a space allocation request to Dean Letendre for his approval. After reviewing the request, Dean Letendre sent it to the next step in the review process.

After having an opportunity to present to the Senate Financial

Committee in March of this year, Senator Blais brought Director Hilliard to the Governor's office and met with JR Pagliarini, who said he would investigate where the status of the laboratory was. Director Hilliard mentioned the fact that he had been talking to the University about getting space there. A couple of weeks later, Senator Blais contacted Director Hilliard and said, get together a proposal for why the laboratory should be located at URI and fax it to JR Pagliarini. We had a Committee going back to 2000, 2001 where we proposed to where the laboratory should be; at the State Police Headquarters, at the Health Department, at URI, at the Court's and each of us put together a plan for that purpose.

The Governor told Dr. Gifford, "to make the consolidation happen and put it at URI." When Director Hilliard spoke to Bob Weygand, Vice President of the University, Mr. Weygand was reluctant to agree to the consolidation because of cost issues. In this effort, Dr. Gifford told his staff at the Health Department, Mr. Leonard Green, Dr. Eva King and Dr. David Uliss to contact URI, have meetings, discuss how this could happen and what the issues were. Director Hilliard had one meeting with them about personnel issues and how things would go. He stressed the importance of having a meeting with URI and get URI to agree or to commit the space. They hadn't made a commitment yet and in the interim of this, I was asked to fax a copy of my space proposal back to the University architect, who then attended the meeting with Bob Weygand. The result of the meeting was, they don't mind paying for the 3,000 square feet we have now but are concerned

that if we obtain 26 to 30,000 square feet of space for this new laboratory, that the University needs to recover some of the costs that it's going to incur by providing additional space. Also, there was the feeling that they didn't want to give us the location at Fogarty Hall, but that they would be willing to provide some other space. To build a 30,000 square foot laboratory today would cost them 14 million dollars. It would be ideal to build it on the North End of the Campus in the new Industrial Park. Bob Weygand said to pay off 14 million over 20 years would be approximately \$400,000 a year, so do you have \$400,000? Right now we pay nothing to the overhead for the University. The University provides us with access to their purchasing, their personnel, to research and grant accounting without paying any additional monies. The money we receive from the General Assembly through the Department of Attorney General is sent down to the University on a billing basis. No funds are used to compensate the University for the use of the facilities. All that money is spent on laboratory associated activities. I think they are looking for some sort of revenue stream. I can tell you by meeting with other Directors they are looking for additional revenue streams also. Maine has decided to put a \$5.00 surcharge on every insurance policy within the state to pay for the Crime Lab. The University is willing to locate us at Kingston Campus but wants to see some sort of compensation. The University's policy for federal grants is to charge 40 or 50% overhead. For the State of Rhode Island, they are looking for a 25% overhead cost. I think if this Commission could go to legislation and ask for some sort of compensation for URI, they would be willing to

provide space.

Dean Letendre felt the logical step would be to keep Forensic Sciences in Providence and then break everything else out and try to bring them under one roof at the University, since there is already a functioning Crime Lab located there. Director Hilliard is correct regarding the issue of overhead. We already have a contractual agreement within the state that interstate agencies have a 25% overhead charge. For the Crime Lab because of its long and rich history, that assessment has never been made. I do think that both Dr. Gifford and I are working together under the assumption that this is going to happen. We have charged our respective individuals to work together to bring to the table a workable solution, personnel, space, laboratory equipment, a time frame, obviously this will take several years to accomplish.

Attorney General Lynch stated a lot of people have put a lot of time in various meetings considering where we're going and how it might impact not only law enforcement but also the University. I've personally sat with President Carothers, Bob Weygand, Colonel Pare, proceeding now with Colonel Doherty. During that entire process one thing we realized how critical URI is even if they did move to this new facility. There was some concern that URI was being left aside and how do we maintain that relationship. Time now having passed and changes in plans, I think we are left with an opportunity here. Rather than going back over the old plan, the question is where are we going

now, what are the costs associated with it, and how do we solidify these relationships at the best facility available. I would ask in the ongoing discussions with Dr. Gifford when appropriate, that Deputy Attorney Coyne on my behalf be tied into the meetings. I think that will leave this Commission in a better place to move quickly.

Chris Cotta's voiced his concern regarding the budgetary process for FY09, which closes on September 30th for this office. What are you going to do for the consolidation? Are you going to try to incorporate some of FY09 and do you have a backup plan should we put this plan together and it's not receptive? The budget office has already told us our budget is going to be 10% less. We have to have some sort of consolidated plan of action as to how you want to go. This is what the budget would look like maximum with the consolidation but where is the fallback that we can live with if it doesn't come into play, if the Department of Health stays where they are.

Director Hilliard noted you're looking at 2.4 million dollars just in salaries and benefits. Those are rough figures and we were told by Dr. Gifford that the Governor wants this budget by October 1 for FY09, the consolidated budget. I don't know what operating expenses are at the Department of Health, they haven't given me that.

I don't know overtime expenses that they are now paying their people. That is not included in here and how much of that money will physically move. The plan is to move that money out of DOH budget over to the Crime Lab Commission money. I think the plan is to ask

for a minimum of 3 million dollars for the consolidated effort and then if you look at the 25% that URI wants on top of that you're looking at 3.75 million dollar request in FY09 by this Commission to the General Assembly. That's a ballpark figure. I would recommend that once we go for the FY09 we might as well throw the works in there because Health needs two more positions. They need another person in Forensic Biology and one in Toxicology. We need to bring a fulltime Quality Assurance person on board. Right now we have a part time person that's paid on federal grant funds from the Justice Commission. That person needs to be moved in full time on the state budget, so you're dealing with a couple hundred thousand dollars give or take.

Director Hilliard spoke with Lenny Green from the Department of Health at the last meeting and he said he would produce a document. Director Hilliard is going to provide him with the copy of the MOU that this group worked on a couple of years ago, along with some other information he has. They are under a mandate to meet October 1, 2007 deadline. They are looking at that deadline to put together these issues and the budget request in a document to be signed off by DOH, this Commission, Board of Governors and URI. Dr. Gifford has sent his orders down to Mr. Lenny Green that he is all in favor of moving them out. He is also aware that there is no place for the consolidating lab to go to so he's willing to maintain them in his facility for a set period of time. It's an all circle argument. Does the legislature give us enough money to make this happen and do they

provide enough funding to make URI make a commitment. We're told by personnel Ann Marie Coleman that putting these two together will not be a major problem in terms of Union contract, it will just become part of the budget note that year. The big key is funding and does URI get some additional funding to compensate them for supporting a larger Crime Lab.

c. Memorandum of Understanding

Director Hilliard mentioned he is taking the MOU and giving it to the Department of Health so they can use it for something to work with.

III. Funding

A. FY2005, FY2006, FY2007

Director Hilliard provided in the packets budget sheets for FY05, FY06, FY07. There had been a slight surplus in FY02 and a deficit in FY03. There was a surplus in FY04, which absorbed the surplus from FY02 and the deficit from FY03. The FY04 surplus was due in part to the availability of funds from Byrne and Coverdell grants. Funds from FY04 were transferred by the Commission at the December 2004 meeting into the FY05. Based on that, the FY05 was transferred to FY06. That number in deficit FY05 should be corrected to \$1,800 not \$11,800. The FY05 surplus was from the delay in hiring two new positions in the Crime Lab that were funded in the FY05 budget. The Governor's budget veto was not overridden until August and the hiring process started after that.

The surplus in FY06 is a balance of \$18,831 held in account at URI. Since the Commission wasn't here we didn't move anything over.

FY07 had a surplus due to obtaining a STAC (Science and Technology) grant from the State where we partnered with private company to produce software, they are producing the software we're doing the testing regarding arson cases. Some of the funds were used to offset the salary for Kim Freeland, and Amy Duhaime who is her supervisor. For the calendar year 2007 we have some savings of 50% for Kim's salary and 10% from Amy's salary. That grant will end on December 2007. We also had savings due to the Byrne grant and Coverdell funding, which we were able to use for training and to buy equipment. It enabled us to pay off the Cogent System bill also.

B. FY2008

There is a balance of \$19,320 in FY07 for a total of \$38,151 in FY06 and FY07. Director Hilliard requested to move this amount to FY08, to help compensate for salary increases and any other unexpected expenses. Again, we don't know what contract negotiations will be for FY08, which would be retroactive to the first part of July. By including the increase in steps for those members in my staff who are eligible. This is proposed FY2008 and the other ones were agreed to because of lack of the Commission. The Commission is now here, so now is the time to recommend these increases for FY08 for the Commission's consideration.

The Dean's pledge on that is something that happens each year. Due to the budgetary process, the final numbers are not known until the end of June, perhaps into July. The Dean has to make a pledge of approximately 10% of the laboratory to cover any expenses we have. The Deans pledge has now been released because the letter from Chris Cotta of the Department of Attorney General, last month said the appropriated amount is \$654,964. That does not include the carryover from previous years. It's just an allocation by the General Assembly to the Attorney General's budget for the operation of the Crime Lab.

With the carryover allowed Director Hilliard will regenerate the proposed budget to incorporate those numbers. You can approve this as it is, the proposed budget. Those monies will be moved into things like Cogent operation, service contracts and capitol expenses.

Attorney General Lynch entertained a motion regarding the outstanding \$38,151 to be carried over to FY08. Chief Kelley made a motion, with Nancy Haley seconding the motion. All members being in favor, the motion passed.

With the understanding the \$38,151 will be incorporated into and the numbers that are on the paper before us in FY08 as proposed, Attorney General Lynch entertained a motion to accept those numbers as proposed. Chief Kelley made a motion, with Nancy Haley

seconding the motion. All members being in favor, the motion passed.

D. Byrne/Coverdell Grants

Dennis Hilliard spoke regarding both the Byrne Grant and the Coverdell Grant. Coverdell money has now been requested by the Rhode Island Medical Examiner's office. Coverdell money this year for the laboratory was used to maintain the Quality Assurance Technician, who is on a part-time basis and to pay for training for laboratory people. There is a possibility that Coverdell grants will be increased for the next few years; however, Byrne money is going down. We may have an opportunity for more funding through Coverdell monies. FY07 money, which is suppose to be approved by the end of September will be split between the Laboratory, Medical Examiner and the Department of Health Forensic Laboratory.

Supposedly there is money through Homeland Security; however, Director Hilliard has had no luck in doing so. If anyone can think of a way to reach out to them, please let Director Hilliard know.

E. STAC Grant

This is a cooperative effort with Ion Spectrum Technologies. They submitted a proposal in conjunction with us to the Governor Carcieri's Science and Technology Advisory Council, which had created a statewide program to distribute \$1.35 million in funding. We got \$177,000 to be split between Spectrum Technologies for the

software program and the Laboratory to do testing.

F. Potential Funding for Consolidation/Renovations of Fogarty Hall

Dr. Uliss noted the Health Department has been speaking with the Governor and have decided that it is in best interest, particularly for the Forensic at the Department of Health to move from the Department of Health to URI. We want to be certain however that no personnel are harmed in the process. There needs to be a place to go that will meet their needs. These issues seem to be unresolved at this point. We're talking about 16.6 FTE's and 2 temporary positions. Once moved what will the benefit package be, etc., since they are all in the Union. At some point the Union is going to have to be involved in this merge as well.

The second issue is the Health Department is moving at full speed to identify the funds, expenses for Forensics we have expended over the last year or two and put that together in a package that we can transfer to the Crime Lab Commission, the Attorney General's budget. We're in the area of two million dollars for the Unit and that would take effect as of the FY09 budget. We expect that Forensic will no longer be in the Health Department's budget as of July 1st. There are many unresolved issues and are hoping that over the next several weeks they will be resolved. The Health Department is committed to this move.

Chief Kelley question if there is an organizational chart and who

would be the final say on the organizational chart?

Director Hilliard stated each lab has their own and have not yet created a combined organizational chart. This Commission would have a say on how the organization will occur since the positions will move to the State Crime Laboratory. Each year we were having the Commission approve the reappointment of positions in the Crime Lab and to renew the Director's position on a five-year basis. Director Hilliard's appointment came up in 2005 and the Commission wasn't here to approve, so the Crime Lab have continued on with the previous staff without the Commission's approval. Each member of the Crime Lab is subject to approval of this Commission. The University hires but the Commission approves. The last time Director Hilliard came under review was with Attorney General Whitehouse in 2000.

Dr. Uliss stated that issue is going to have to be resolved with the Union.

Deputy Attorney General Coyne wanted to follow-up the need to review the status of the employees. Since we are governed by Open Meetings and it's not on the agenda it was recommended that we put that over to the next meeting.

Attorney General Lynch asked if we could have an organizational structure available at the next meeting for this Commission to review.

We have not acted at all on the FY09 as of yet. Although we've discussed some proposals, some of those will be having significant discussions probably in the next month and a half, going towards the start of October.

Dean Letendre felt from a management standpoint what would help along the way is to identify what each of these budgetary points are. Timelines of specific dates so that we can begin the process of looking at a 3 year plan, etc., so that when we're sitting here we know what our markers are, we know what we're trying to achieve by a certain timeline, consolidation of personnel, all of those particular issues. I've asked Director Hilliard to put together a flow chart that breaks all of these various things down with specific timelines. Then we're all on board in terms of what the next steps are and what the expectations are.

Director Hilliard will put together a proposed structure for the Commission to review at the next meeting.

Director Hilliard felt no matter what space is allocated at URI we're most likely going to need to renovate. Fogarty, a lot of it's already been renovated. There are some great labs up there that would make great facilities for the new consolidated laboratory. I think we need to start working on plans to get that money somewhere. In the past we've talked about going to our US Representatives and let them know what's going on. We were successful about 5 years ago in

getting the Crime Lab improved with \$450,000. Perhaps there's something like that out there or at least they can support us with our competitive grants for Byrne or Coverdell, which would provide \$100,000 in funding a year over a couple of years. We're probably looking at between several hundred thousand dollars to several million dollars in renovations so that's something we need to start planning for.

Chris Cotta asked if Director Hilliard or the University explored the Rhode Island Capitol Improvement Plan or put together a Capitol Plan?

Director Hilliard noted they had not; however, that may be something we want to do. There should be a proactive way to get funding. I think we need to make the personal contact with the US Senators and Representatives of our State.

Attorney General Lynch asked Director Hilliard to think more about a plan regarding that for the next time we come together. That certainly is something we can do. If you come to us with a formal request we can enlist a broader population to go out there other than just you and I with our budgetary presentation saying we need to be proactive.

IV. NEW BUSINESS

A. State Crime Laboratory Commission Status

a. Training for new members (12-1.8-8(11))

Director Hilliard noted that 12-1.1-8 Section 11 there will be training provided to new members of the Commission in order to go over Open Meeting Laws and the way procedures would occur. Director Hilliard received information from DOA and has provided Deputy Attorney General Coyne with said information.

Deputy Attorney General Coyne stated that those provisions are the same for any of the Boards and Commission's, this Commission has not been singled out.

Attorney General Lynch stated we will follow-up with a plan to address that issue.

B. Items from the Floor

a. Location, time and date of next meeting

Attorney General Lynch felt it might be best to wait until the end of September or beginning of October wanting to hear more from Dr. Gifford and also timing on budget presentations. We should learn that in the next couple of weeks.

One of the things I would like to address before the Commission is this has been an unfortunately extraordinary time since we last assembled because of the issues that have been noted. Even with the quarterly meetings that we will have, there are times that matters come up that need to be addressed. In order to increase the

efficiency of the Crime Lab during the period of time between any regular schedule meetings, I would ask that the Chairman or my designee may conduct business on behalf of the Commission provided any action taken be ratified by the Commission at the next scheduled meeting. So I would present that and ask for a motion. Chief Kelley made the motion, with Nancy Haley seconding the motion. All being in favor the motion passed.

Attorney General Lynch apologized for the length of the meeting today, but appreciated everyone's patience. It was critical to get back together and go through everything at length. A motion was made to adjourn, with all Commission members being in favor, the meeting was adjourned at 1:45 p.m.

Minutes taken and transcribed by:

Teresa A. Dorrance, Department of Attorney General