

Crime Laboratory Commission Meeting

November 20, 2008

Department of Attorney General

150 South Main Street

Providence, RI

3rd Floor Conference Room

2:00 p.m.

In attendance were Director of Policy & Legislation Jefferson Guimond, Rhode Island Department of Attorney General; Joe Lindbeck, Rhode Island Department of Attorney General; Christopher Cotta, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Dean Ronald Jordan, University of Rhode Island; Lieutenant Dennis Pincince, Rhode Island State Police; Chief George Kelley, RIPCA; Nancy Haley.

I. INTRODUCTION

A. Welcome to Commission Members

Jefferson Guimond on behalf of the Attorney General welcomed Commission members and called the meeting to order at 2:00 p.m.

Introductions were made of Commission members.

a. Approve Minutes of June 5, 2008

The June 5, 2008 minutes were reviewed by Commission members.

Chief Kelley made a motion to approve the minutes with Lieutenant

Dennis Pincince seconding the motion. All members being in favor the minutes of June 5, 2008 were approved.

II. DEANS REPORT

A. Consolidation

Dean Jordan spoke regarding the consolidation and his proposal to both President Carothers and Bob Weygand. There should to be a formal request to keep the Crime Laboratory in Fogarty and that we offer the space we have talked about with Bob Weygand as a means to potentially consolidate the Laboratories. We were doing that in hopes that we might get this FY10 submission to consider administratively bringing people together. Though I had suggested it might help if we could make a proposal to Dr. Gifford and was told it's not necessary, they know what our offer is, so I never got the Administration to say this is what we propose.

Dean Jordan felt it would be useful for Administration to have a request from this Commission that we consider the consolidation at Fogarty as a valid offer and we begin to work toward that. There are people vying for this space. This issue needs to be settled.

Chief Kelley suggested this Commission send a letter to President Carothers and Bob Weygand. After further discussion, Chief Kelley made a motion for Dean Jordan and Director Hilliard to draft a letter to President Carothers and Bob Weygand from the Commission stating what the University has offered. It needs to be clear to

Administration. Lt. Dennis Pincince and Nancy Haley seconded the motion.

Dennis Hilliard noted that after speaking with Dr. Gifford, he stated that he was told that Dr. Gifford was moving his Forensic Laboratory to the Public Safety Complex. Director Hilliard has also heard that from the Health Department.

Dean Jordan would like to hear what Colonel Doherty wants to do.

Lt. Dennis Pincince stated Colonel Doherty has been offered to take over the Laboratory at the Health Department. Leroy Rose told him in the long term the Crime Lab is going to fall under the Department of Public Safety. No one wants to commit to anything right now because there's no budgetary commitment.

Dean Jordan stated the budget is only part of the issue, because it sits in the Attorney General's office at the moment.

Lt. Pincince noted it's going to fall in the Department of Public Safety at some point in time. Lt. Pincince suggested leaving the Crime Laboratory at URI and consolidate everything down at URI. You have the space available and also the expertise that we utilize. Feeling we should consolidate it at the University of Rhode Island and have it fall under the Department of Public Safety.

Lt. Dennis Pincince felt after the letter is sent to Bob Weygand and President Carothers, President Carothers could speak with the Governor, and show him the proposal. It's the most feasible proposal, 70%-80% of the Laboratory is already down there and maybe the Governor will agree and move on it.

Dean Jordan worried without having a commitment that we're going to consolidate there or not, Fogarty is in play. If you wait too long there may be other alternatives and we will lose the space. It's a huge loss if we lose it from the University, but the amount of energy that goes into preventing that seems to be insufficient at the moment.

Chris Cotta noted the meeting that he had with the budget office, they were pretty receptive. He felt it might be beneficial to reach out to them again and inform them things are coming faster than originally thought.

III. FUNDING

A. Budget FY 2008

Director Hilliard spoke regarding the budget sheets that he passed out to Commission members. You received the top sheet last meeting, which showed what we were spending for the year. Director Hilliard anticipated a surplus of \$25,000, which actually became \$34,000, which was then rolled over. FY09 the proposed column is the column that was presented to the Commission at the June meeting, which showed how we would spend the allocation. Rolling

over that money from last year plus the \$675,000 we had allocated from the General Assembly the sum of \$709,056. Again, the FY09 numbers are exactly what I gave you last year and showed we expected to expend about \$711,000 based on the numbers I had then.

Since then Director Hilliard has provided you revised estimates based on a couple of changes. There were contracted raises, which occurred July 1st for most of the staff except for the clerical. In anticipation of possible budget cuts this year, rather than replace the clerical position at full-time with benefits we decided to replace it part-time without benefits. So we reduced it from a 35-hour week job to a 15-hour a week job, providing no health benefits. There were seven pay periods paid to the current clerical that was in the position until September and the balance is for what we expect to pay, anticipating hiring in the second week of December and continue through the end of this fiscal year. What I also needed to do was provide supplemental money for our Quality Officer position. We didn't receive as much as expected from the Coverdell Grant so there was not a sufficient amount of money to keep the Quality Officer on position throughout the full year. We carried her from the point in time when our previous Coverdell Grant ran out, which was September 30th and we're covering her now. The amount of money in Coverdell will cover her for approximately 16 pay periods. We had to cover her for approximately 10 pay periods total in our budget, plus health benefits.

We have an employee getting a 5% longevity increase January 2009, the Director's salary was less than expected, it comes out to a couple of hundred dollars a year, which includes the 10% that the Commission approved last meeting.

We had four people who had taken the health rebate; however, one person had to switch over. He is a retired Cranston police officer and Cranston told him he had to take the benefits from his current job. We had to move him from a waived health benefit to a family health benefit cost and so he will get 1/2 his waived reimbursement next year, because they did the waived money in December.

In terms of health benefits, there was a reduction in what we expected to pay. Director Hilliard was anticipating going on the family plan; however his wife did not retire so he kept his waived status. That will change in 2010 when she does retire.

For the repairs we had to make the adjustment, we took what we're paying currently in COGENT and in January 1st we're going to see an increase so Director Hilliard added a 10% increase starting in January, so that's what is expected for July to June of this year. We pay approximately \$40,000 in maintenance contract costs total.

Director Hilliard spoke regarding equipment, stating anything that's left over gets put in there. If it's not used in the budget we'll subtract what we expect to spend from the total available and the balance gets

put there and that's approximately \$30,000 right now. We have an obligation to pay about \$3,000 to \$5,000 for reaccreditation in the spring of 2009. Those are onsite visits, and we have to pay for their travel and expenses. We need to buy a new server for our LIMS System that's approximately \$3,000 and we would like to purchase a new Fume Hood for our fingerprint examiners. The Fume Hood is approximately \$12,000 so that money could be used up on various expenses in the Laboratory. We keep travel to a minimum. We expect total available funds at \$709,056 depending on what the legislation does in terms of across the board cuts, last year was 2.7%.

B. Budget FY 2009

a. Coverdell Grant – FY 08

Coverdell money is less and less. There was \$90,000 this year, which was divided three ways between the Crime Lab, Medical Examiner and the Forensic Lab, so the Crime Lab received approximately \$29,000. That's not enough to pay the Quality Officer position.

C. Proposed Budget FY2010

Director Hilliard spoke regarding the 2010 budget he submitted to Chris Cotta at the end of September. This is based on ideal, bringing the staff to full-time, 35 hours with benefits. Director Hilliard would also like to bring the Quality Officer to a full-time position. There is a lot of work involved in keeping the accreditation up. That also includes across the board raises that have already been contracted for most of the staff. Health waiver reimbursements were adjusted to

just two people. It is suppose to drop to \$1,100 sometime at the end of 2011, so this is still the 2002 rate per person for two people. This anticipates me going on full health benefits because my wife will be retiring and I'm not covered under her benefits, so I've increased the health benefit plan approximately 10%. I don't know what they're planning on for 2010 but they have been going up about 10% a year. What we expect to spend keeping some of the other things in line is approximately \$828,546.

I've mentioned to this Committee that looking at the budgets for the Health Department, there seems to be disparity between salaries for equal positions. My suggestion was that the staff members in my group should get a one to two pay grade increase and I've calculated the cost in FY10 for what that would be. It's not included in the overall expenditure but if we increase those people by one-step it would cost an additional \$32,500 for FY10. If we gave them the two-step increase it would be approximately \$65,000 for FY10. Neither of those numbers are included in this bottom line, this is status quo in terms of salary. I also mentioned about consolidation. I don't have a current number for what it would cost, so I used the number from FY08 and added 3% and 5% increases in terms of what they would expect to pay. If you consolidated the RI State Crime Lab with RI Dept. of Health Forensic Science Laboratory for FY10 it probably would be approximately \$3,500,000 for just salaries and benefits as it is now, that does not include parity. So you could bring it up to almost \$3,600,000 - \$3,700,000 depending on what you do with

parity. What I'm most interested in is getting the \$828,000 in FY10 budget and that's the number given to Chris Cotta.

Chris Cotta stated he plugged the number in but it already has hit our budget with non-retirement personnel reductions, retirement personnel reductions across the board there was 8% cut on the entire budget. We're already looking at coming in at 2.3 million less, which does not include the RI State Crime Lab budget. It's not that we're not going to fight for it, but they haven't clarified what I should do with your budget, so as long as nobody is answering the question we'll leave it at the \$828,000 and see what they do, but you have to be realistic. We're not putting in a budget like that but doesn't mean that they won't hit it once it gets to the legislature. Just beware, I didn't do that at your budget, when we discussed it originally I thought that Director Hilliard had included the parity and all that, which he had not but clarified all that for me, so I put your number in the way that you asked for it.

Dennis Hilliard noted what brings the budget up is bringing the clerical back to full time and adding the Criminalist I position and the Quality Officer that's \$100,000 between those two jobs and the benefits. That's where the significant difference is and then the 2 ½% or 3% pay raise they expect to get July 1st that adds another chunk of money. Like I said I expected to spend \$709,000 this year on the average, and again 90-95% of the budget is payroll and you add 3% to that and the health benefits. If we had to cut anywhere it would be

trading down the Quality Officer position hoping the Coverdell money would cover part of that and perhaps making the clerical position possibly 20 hours with benefits, but family benefits would be a \$19,000 cost on a job that pays \$20,000 for 20 hours.

IV. LABORATORY STATUS

A. Laboratory Progress Report – January 1 to October 31, 2008

Director Hilliard spoke about the Progress Report he passed out to Commission members from January 1, 2008 to October 31, 2008. The most common departments are Providence and Cranston. Pawtucket has been bringing their fingerprints to the Attorney General's office so there has been a drop in their numbers. Currently there is approximately 7.5% decrease in cases compared to the same period last year. There have been increases in Homicides, Vandalism and Robberies with decreases in Assaults, Arson, B&E and Firearm Violations. Court cases have been approximately 5 to 7 a year. There are also special services that the Laboratory personnel perform for various police departments.

Director Hilliard was just appointed to a four-year term as the Chairman of TWGFEX, which is the Technical Working Group for Fire and Explosives. It's a national committee to set standards for investigations in fire and explosives and education. Other staff members have appointments to other boards. The staff still does lectures, training courses or seminars, workshops. There will be a blood spatter course in January and we'll be putting on two refresher

courses in March for the police departments. Also the Crime Lab gives tours throughout the year to different groups. Director Hilliard is out once or twice or month giving lectures to groups and school people.

The Crime School class with police departments is in its eleventh week this week, we have two more classes this semester and then they come back in June for thirteen more classes. They are all doing well.

a. Reference Gun Collection

The gun reference collection law passed. Joe Lindbeck from the Attorney General's Department was a great help. What we need is a transaction form created within the Laboratory to make that happen. I think it's been mentioned at the Police Chiefs Association that they can supply the weapons to the Crime Laboratory if they want rather than sending them for destruction. I have put together some sort of transition form for the police to do this. I'm going to give it to Joe Lindbeck and if she could get some sort of language in there referencing the law. The other thing specific that I want to do is, the state owns the weapons, we become custodian and I want to have it in here that once we no longer have use for it, it has to go back to the department from where it came so they can destroy it. We have no mechanism to destroy the weapon, as far as I know. Or just give them off to the State Police and let them destroy them.

Lt. Pincince stated the State Police could destroy weapons; however, before we make a decision that they would go to the State Police it would have to be coordinated.

Director Hilliard noted that State Police take all the weapons in other states; however, in Rhode Island the police chiefs take the weapons.

Director Hilliard noted there are guns in our collection from 40-50 years and I don't think we're in any hurry to get rid of any of them. We'll have to come up with some clear policy on destruction and how we do that.

b. GSR Case Cost Factor

In conjunction with laboratory status, we've been claiming gun shot residue cases. These are cases where they have a suspected shooter and they usually swab the person's hand, they swab four places, the right back, right front, left back, left front. Now we don't process this in our Laboratory because the equipment needed to process them with cost ¼ million dollars. What we have done is taken excess grant money we had from a couple years ago and prepaid for hours, at that time it was approximately \$25.00 an hour. That money has been used up and now there's no money left, so now we have to pay for the kits when they have to be done. We did this solely on demand of the Attorney General because; if the department gives us a kit we can hold it indefinitely. We don't want to process a kit if the defendant is not going to be prosecuted or the defendant pleads out we don't need

to do it. Right now each kit costs approximately \$1,000, it's a 24-hour run. I just want to let the Commission know that we might see great expense if the Attorney General wants these kits to be done. We just had a recent case in which we had 4 kits done in one case and we asked them to prioritize, who do you think most likely fired the weapon. The first three we've done have come up negative, the last one hasn't been done yet; we're waiting for the prosecutor to call us to see if they want us to continue.

And having a negative doesn't really mean negative, that's the problem with GSR because it's transient. If you don't get in within the first couple of hours you're never going to get it, sometimes the person washes their hands and we don't know it, we've lost it anyway. GSR has become very important to the Attorney General's office.

B. ISO/IEC Accreditation

We were accredited last year 2007 and passed for the 2008, we will have to go through an on-site visit in the spring of 2009 at a cost of \$3,000 - \$5,000.

C. Systems Updates

a. NIBIN Update

Director Hilliard spoke regarding the issue with the NIBIN System. As most of you know, the NIBIN System came to us during Sheldon Whitehouse's tenure as Attorney General and Adel Irizzary was

dedicated to help bring that system on board and became the prime person in terms of NIBIN entries. We did train one of our firearm examiners to do NIBIN entries also, Lawrence Pilcher; however, he left the staff in March and Adel has now retired as of September of this year. We do not have a NIBIN entry person. Director Hilliard got a letter from the NIBIN people telling saying we are in violation of our agreement of entering so many NIBIN entries per month. I wrote a letter informing them we still consider the technology valuable but we have lost both of our trained examiners and our replacement for Mr. Pilcher is in training and therefore not doing NIBIN entries right now, so we will not use their minimum for this quarter or the next quarter.

Jerry Coyne asked me a couple of possible scenarios on how we can do this. We have had an issue in the past when Adel was out because of injury and they sent someone from the FTI or from NIBIN to come in and do backup cases, that's one suggestion we put in there. If they can provide someone to bridge the gap to carry us through that might be possible, the other suggestion that I made was during our initial work with this type of technology we were successful to get the National Guard to submit a member of their staff to come down in a cooperative effort to bring "DrugFire" program on line in Rhode Island, perhaps we could approach them again. There had been some talk within the Justice Commission about training veterans that come back from the war to do this kind of work and provide funding to do that but haven't heard anything lately. Other than that I suggested to Jerry that we might get a group of

stakeholders, they would be the lab people, the AG who process these gun cases and then the biggest user, it would be Providence, Cranston, Pawtucket Police Departments who provide guns to the laboratory, and whether or not they think it's worth while to continue this process. I can tell you that my own examiner Bob Hathaway doesn't feel we'd be hurt if we lost the system. Maine, New Hampshire, Vermont have all lost their systems. AFIS is trying to get some sort of regional agreement for them where they can send their items to New York or Connecticut. That could be a possibility for us too. I have not received a response back as of today's meeting.

b. AFIS Update

We doubled the use of our AFIS. The number of latent prints, the number of searches and palm prints, we clearly have made great use of that equipment. We're trying to bring our cost issue way down because it is a valuable service. The other thing we have to do is all our unsolved prints have to be eventually compared against new prints entered into the system. It doesn't do it automatically, so Ed did approximately 6,000 cases over the last 6 months in which he went back in and had to use the unsolved database against the current revised database. If you arrest somebody over the weekend who hadn't been in the system, maybe he's in our unsolved database and now comes in, Ed makes the comparison and tells you the guy you arrested on Saturday committed a crime five or six months ago because he's in the unsolved database. We've had three hits out of that. You have to remember a lot of the guys that they hit are already

in the system. We got a lot of hits of people already in the system. Again, it's been a valuable system and the \$24,000 is worth it.

i. Cogent maintenance costs discussed in budget

ii. Homeland Security Funding letter

to David Smith

Director Hilliard mentioned in the last meeting we talked about writing a "White Paper" to Homeland Security people, to EMA. I have drafted a letter and provided it to Jerry Coyne for his review. It has not been sent as of this meeting. There has been an attempt by me to get some funding from EMA to possibly offset the cost of our AFIS contract on the system.

D. Laboratory Personnel – discussed in budget

a. Clerical Position

b. Quality Assurance Officer position

c. Staff Salary Upgrades

V. NEW BUSINESS

A. Items from the Floor

There were no new items from the floor.

The meeting was adjourned at 3:15 p.m.

Minutes taken and transcribed by:

Teresa A. Dorrance, Department of Attorney General