

# **Crime Laboratory Commission Meeting**

**January 28, 2010**

**Department of Attorney General**

**150 South Main Street**

**Providence, RI**

**3rd Floor Conference Room**

**1:00 p.m.**

**In attendance were Gerald J. Coyne, Deputy Attorney General, 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; Captain LeRoy Rose, Rhode Island State Police; Chief George Kelley, RIPCA; Clay Choquette; Nancy Haley; Leonard Green, Department of Health; Ewa King, Department of Health.**

## **I. INTRODUCTION**

### **A. Welcome to Commission Members**

**Deputy Attorney General Coyne on behalf of the Attorney General welcomed Commission members and called the meeting to order at 1:15 p.m.**

### **B. Approve Minutes of September 23, 2009**

All members reviewed the September 23, 2009 minutes, with Director Hilliard noting some minor changes. Page 5 - Byrne/JAG Stimulus Grant #3 – bargaining salary should be full salary; Page 6 - fire examiners should be firearm examiners; Page 6 - trail should be trial. With Director Hilliard recommending those changes, Chief Kelley made a motion to move the minutes with Nancy Haley seconding the motion. All members being in favor, the minutes of September 23, 2009 were approved.

## **II. FUNDING**

### **A. Budget FY2009**

#### **a. Deficit**

Director Hilliard distributed a package to Commission members, which included budget information. There was a carry over of \$34,056 from the previous year, so even though the Crime Lab was allotted \$675,000 with reductions we ended up with available funding of \$697,806. Director Hilliard mentioned the printout from the University's financial site, which shows what has been expended to date. The first column is the Proposed Budget; the second column is the Revised Budget, with the third column showing the Project-to-Date. The first two columns Director Hilliard supplied the information with URI supplying the numbers for the third column. After adjustments were made it shows \$697,239.96. As Director Hilliard mentioned to Commission members at the September meeting, he anticipated a deficit of approximately \$11,000; the actual deficit was \$7,782.01. FY09 original total expenses was \$705,588.01;

with \$697,805.94 from the Department of Attorney General. URI transferred expenses of \$8,348.05 from the FY09 budget to the FY10 budget. Since the actual deficit was \$7,782.01 there is a credit of \$565.98, which will be credited to FY10.

**b. Coverdell Grant – FY08**

Director Hilliard noted 100% of the Coverdell Grant FY08 was expended on the Quality Officer position.

**B. Budget FY2010**

Director Hilliard spoke regarding the FY10 budget. Requesting \$828,546 for the Crime Lab budget, which would include restoring the clerical position to full time and would bring the Quality Officer from the Coverdell money onto the Crime Lab budget. We expected to receive \$675,000, so that is what the budget was revised to. We still tried to keep the clerical position knowing we could shift the Technician Firearms and most of the Firearms Criminalist II position to the Byrne Grant Stimulus Award. We had to account for the deficit from 2009 and were faced with a 10% reduction, so we lost \$67,500 from the budget. In addition we had to account for the \$7,782 deficit, so it left us with an operating budget for FY10 of \$599,718. We've been working with REMI Group and they have given us some discounts. We haven't been required to pay the AFIS contract, hopefully that will remain until the end of the fiscal year. Along with these reductions, the clerical position was eliminated.

**a. Health Department 10% reduction**

**A letter was sent by Attorney General Lynch as the Commission Chair and Dean Jordan asking Dr. Gifford to address the 10% reduction to the Crime Lab budget. There was a meeting on December 14, 2009; in attendance were: Dr. Gifford, Attorney General Lynch, President Dooley, Dean Jordan, Deputy Attorney General Coyne, Helen Drew, David Uliss, Ewa King, Leonard Green, Major Bannon, and Lisa Holley. Dr. Gifford had just come from a meeting with the Governor and stated that the 10% was lost for this year. We inquired about a supplemental and were told the 10% reduction would not be included in the supplemental. He did say that he would ask for the same amount in the FY11 budget, which was \$675,000. All departments have been redlined.**

**Clay Choquette feeling appalled that the State of Rhode Island only allocated \$600,000 for the science budget of prosecuting crime questioned what could we do to fix this? Wondering if it could be done through the Police Chiefs' Association. The umbrella of the Health Department is so big, let's find somewhere they are going to be received well and utilized so that the taxpayer gets what they are paying for.**

**Deputy Attorney General Coyne stated because the legislature put the Crime Lab budget into the Department of Health, which is an Executive Agency; the Department of Health has no option when the budget office tells them something. Deputy Attorney General Coyne**

**noted, in all fairness to Dr. Gifford he recognizes the importance of the Crime Lab. This is an issue that needs to be addressed with the General Assembly. Every year the Attorney General goes before the General Assembly for hearings and is told the same thing, there is nothing extra. The best you can do is to find some way to sustain the programs that are your core mission.**

**Director Hilliard, Dean Jordan and Dr. Dooley have reached out to Representative Ken Carter and had a conference call and an in person meeting with him. Director Hilliard feels the Commission needs to address this with the legislature.**

**Chris Cotta stated as long as the Crime Laboratory is considered a contracted service, the 10% cut was going to happen whether it was under the Department of Attorney General or the Department of Health. The Crime Laboratory needs to get out of the category of contracted service and put somewhere else.**

**Deputy Attorney General Coyne felt the first step is to look and see if there is a way to accomplish that at the start of FY11.**

**Director Hilliard noted if it moved to URI's budget it will be out of contracted services. Director Hilliard also felt there should be a second letter to Representative Costantino discussing the move to URI.**

**Deputy Attorney General Coyne stated even if Director Hilliard believed it would be a good move to go to URI, as an interim measure if it is going to stay at the Department of Health let's move it out of contracted services. Commission members agreed and felt this would be a step in the right direction. Deputy Attorney General Coyne made a motion regarding the letter to the budget office discussing the contracted service and 10% issue and the firearms section. Deputy Attorney General Coyne also felt the letter should be sent to the House and Senate. Clay Choquette seconded the motion, with all Commission members being in favor it was decided that as Chair, Attorney General Lynch and Dean Jordan would send a letter to the budget office and the House and Senate asking the Crime Lab not be considered a contracted service.**

**Deputy Attorney General Coyne also noted before doing a letter regarding a move to URI, we should hear from both the University and the Department of Health. Suggesting for the next meeting the budget office, fiscal office and the University be invited and have a discussion of where the budget should go. In fairness to all parties, before making a decision like this, everybody needs to have a seat at the table.**

**After discussion it was decided that Chris Cotta and Director Hilliard would work together and coordinate whom the people are, that need to specifically be invited to the next Crime Lab meeting.**

## **b. Byrne/JAG Stimulus Grant**

**Director Hilliard referring to the information he provided to Commission members, the total amount to be spent is \$158,845. This money will support two firearms and one NIBIN position. This money from the ARRA stimulus will only last us through June 30, 2010.**

## **c. Coverdell Grant – FY09**

**Director Hilliard stated the Coverdell money was used for the Quality Officer position. In the past it has been a part time position; however we took this money and some funds we had in FY10 and made it a fulltime position. Due to the fact that Katherine Beagan resigned from the position, Director Hilliard requested the Commission approve the appointment of Jane Northrup to the Crime Lab.**

**Clay Choquette made a motion to approve the appointment of Jane Northrup to the Crime Laboratory with Chief Kelley seconding the motion. All members being in favor, the motion passed.**

### **1. Indirect Costs to URI**

**We were required to provide the University with 10% of the value of the grant for indirect costs. In the past this amount has been retained by the local granting agency in Rhode Island, the DPS Grant Administration Offices (GAO.) There was a conference call between Director Hilliard, Dean Jordan, URI Grants Department, Major Bannon, Tom Mongeau, Lisa Holley and the GAO. URI requested that the GAO**

include the indirect costs within the grant award. GAO said no and in order for the grant to be accepted we had to identify another source of funds to come up with \$4,212, otherwise they would not accept the grant. On future grants they will be looking for the indirect cost as well and are not willing to make exceptions as they have in the past for us. So accepting grants in the future may become an issue for the Lab through the University.

### **C. Budget FY2011**

#### **a. Estimated need v. DOH request**

##### **1. Request to move allocation from DOH budget to URI budget**

Director Hilliard requested \$868,178 for the FY11 Crime Lab budget. Department of Health is going to ask in FY11 for the Crime Laboratory budget of \$675,000. This leaves approximately a \$190,000 gap. We will have to leave the clerical position vacant and may have to lay off one person, which at this point would be our Quality Assurance Officer since that is the last hire. If it gets paid under Coverdell funds, which we expect to get, we may move the position back to a part time position under those funds.

Mr. Hathaway has been talking about retiring and when he leaves that means we would have no one to do firearm examinations in the Laboratory except our trainee. She is certified as of now and Director Hilliard would like to move her up to Criminalist I position; however, funding may or may not be available. She is able to make an ID but it has to be verified by another examiner, so that would either require

hiring Bob Hathaway back as a part time consultant or going to another laboratory. Mr. Hathaway could be hired back because his is not in the state retirement system. We do 100% of our verifications so it's worthwhile to have another firearms examiner. We could end up losing our firearms section.

**b. Byrne/JAG Stimulus Grant FY10**

Director Hilliard spoke with David LeDeoux regarding funding. Director Hilliard was notified that the Crime Lab would not be eligible for ARRA funding for next year. Mr. LeDeoux will let Director Hilliard know when the Byrne funds become available, which would be April or May.

**c. Coverdell Grant – FY10**

Coverdell is an ongoing grant that has been available to the Laboratory each year for the past eight years. It is split three ways between the Crime Lab, DOH Lab and the Medical Examiner.

**d. NIJ/DHS Grant Opportunities**

Director Hilliard noted that there are some new NIJ opportunities; however; most of them are for research grants, something he could explore with the University's Forensic Science partnership. Director Hilliard received an email from a Brown University professor who is interested in partnering on that but it would be strictly research and not help the Crime Lab budget. We have someone coming at the end of April from the Forensic Science Seminar Series from DHS that is

going to talk about forensic applications. Perhaps there will be some funding that way. In addition, we know that the United States Senate is working on funding some sort of Forensic Science Program as a result of the National Academy Study.

There are several groups and organizations going to the Senate Judiciary Committee to represent their points of view on this and to ask for funding. The American Society of Crime Laboratory Directors is one of those agencies. ASCLD has created an advocacy committee to assist in gathering information to present to the Senate Judiciary Committee. Director Hilliard represents the Northeast Region I and currently ASCLD is creating a template as a guide to have directors write letters to their senators, specifically those states who have a senator on the Judiciary Committee. Senator Whitehouse is on the Judiciary Committee. They would like it written as an open letter that is published in the local newspaper as opposed to just sending it to the senators.

They also are talking about having site visits, with certain directors from the various states going down and see their senator in DC and if possible Director Hilliard would do that. Groups, such as Project Innocence have a whole set of ideas of how they, the senators, should set this legislation up; however, the forensic scientists from the labs don't totally support what they are proposing so we need to see what the legislation will be coming out of Judiciary and what the funding level will be. That's another possibility coming down the

road approximately 2-3 years. If anyone at this table knows other sources of funding, Director Hilliard would be happy to pursue them.

### **III. LABORATORY STATUS**

#### **A. Laboratory Progress Report – January 1 to December 31, 2009**

Director Hilliard spoke regarding the Laboratory Progress Report. At the last meeting an issue was raised over two out-of-state agencies that services were provided to. Collaborative Testing Services is an agency that provides us with known cases where they do proficiency testing. We receive a case from them, work it up as a regular case and give them a report and they will tell us whether we got it right or wrong. It's a requirement under ISO that we test our examiners on an annual basis. There have been seven proficiency tests done in calendar year 2009 for our examiners and since there's an actual report it is reported as a case.

The second one was the North Virginia Regional Identification System and the Tinley Park Police Department. Those two police departments were involved in a major case in dealing with a serial rapist. Through DNA analysis it was determined to be a suspect in a Cranston Police Department case.

The case load has increased: in 2008 there were 648 cases submitted where this year 689 have been submitted, which is a 6.3% increase; 3351 exhibits presented in 2008, this year it's been 3664 a 9.3% increase. We have had backlog cases from 2008 to 2009. In Firearms

from 251 to 360 for a 43% increase; NIBIN from 201 to 405 for 101% increase; Latent prints went from 22 to 25 for 14% increase; with Trace going from 20 to 38 for an increase of 90%.

We saw an increase in submissions by ATF. Providence Police are transferring cases to ATF for federal prosecution, so the evidence that came in from Providence is now being sent back and resubmitted by ATF. Also, there have been increases in Barrington, Burrillville, Johnston, Newport, North Providence and Westerly with decreases from Central Falls, East Greenwich, East Providence, RI State Police and Woonsocket Police Departments. Increases were in auto theft, breaking and entering, homicide and weapons violations, while there have been decreases in assault, arson and vandalism. Overall there has been an increase of 6.9%.

There have been numerous lectures, along with training for police officers. We also have online training available now. The number of tours has dramatically increased from 6 tours in 2008 to 19 in 2009.

**a. GSR Case Cost Factor**

Director Hilliard has notified the Commission in the past, the cost to run a kit is \$1,200, therefore until a request for analysis comes from the Attorney General's office and is needed for trial we do not run them. There was a request from the Attorney General's office and due to the budget situation we told the requesting Attorney General that we did not have the funds to pay for it and requested a third party

payment. At the request of Assistant Attorney General Stacey Veroni we inquired with Connecticut if they would run the kit as a courtesy and they agreed. Director Hilliard felt it was an important issue that needs to be dealt with, as we cannot keep going to Connecticut for their assistance.

## **B. ISO/IEC Accreditation**

In April of 2010 we will be sending in our information and as long as we meet the requirement, there will be an offsite inspection costing approximately \$500. A full onsite inspection will need to be done in April of 2011, with an approximate cost of \$10,000.

## **C. Systems Updates**

### **a. NIBIN Update**

Mike Ayer from the National Guard was hired in September for 14-hours per week to do our NIBIN entries, which had been dormant since May 2009. In the past Director Hilliard had received several letters stating we were in noncompliance. The Attorney General as the Commission Chair has dealt with that issue and since Mr. Ayer is now entering cases on a regular basis, we met the quota for the first quarter of October 1, 2009 – December 31, 2009 and have already entered 15 cases for January alone. We need to meet 25 cases per quarter, so we are back in compliance. The money has been funded through the ARRA grant, which will last through June 30, 2010.

### **b. AFIS Update**

**For the calendar year 2009 the Latent Print Section performed a total 2,613 searches with 2,150 being Latent Print and 463 being Palm Print searches. The section enrolled 102 searches to the unknown Latent Print database. There were 104 hits/identification with 93 being fingerprints and 11 being palm prints. The Attorney General's office BCI did 375 searches, with the Rhode Island State Police CIU doing 86 searches.**

**Completed were 2,649 searches for the new enrolled 10 Print and Palm Print database against the Unsolved Latent database. We have a database of unsolved, unknown Latent prints that have not been identified, so people coming into the system for the first time may be in the unsolved database. At the beginning of each year Ed Downing runs all the newly enrolled prints against the unsolved database. He had several hits last year and so far has gotten four hits this year. There have been a couple of cases solved because of this so it is worthwhile doing; however, very time consuming.**

#### **D. Laboratory Personnel**

**In the past the Commission provided ID to new employees by way of an AG badge. Director Hilliard will speak with Chris Cotta regarding that issue.**

##### **a. Clerical position**

**Clerical position is still vacant for 2010; however, was included in the FY11 proposed budget.**

**b. Quality Assurance Officer position**

**Katherine Beagan has resigned the position. During today's meeting the Commission approved Jane Northup to fill this position. There were no objections from Commission members regarding Director Hilliard's request.**

**c. Staff Salary Upgrades**

**Director Hilliard requested that the Commission give Dean Jordan and himself permission to look at and come back with recommendations for merit step increases. The Commission agreed, therefore Director Hilliard and Dean Jordan will bring their recommendations to the next meeting.**

**d. Consolidation effort**

**The issue regarding consolidation was discussed earlier in the meeting under the Health Department 10% reduction.**

**IV. NEW BUSINESS**

**A. Items from the floor**

**There were no new items from the floor. Deputy Attorney General**

**Coyne made a motion to adjourn, with all members being in favor, the meeting was adjourned at 2:30 p.m.**

**Minutes taken and transcribed by:**

**Teresa A. Dorrance, Department of Attorney General**