

Crime Laboratory Commission Meeting

May 10, 2011

Department of Attorney General

150 South Main Street

Providence, RI

3rd Floor Conference Room

2:05 PM

In attendance were Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Dean Ronald Jordan, University of Rhode Island; Lt. Richard Altimari, Rhode Island State Police; Ewa King, Department of Health; Nancy Haley; Meredith Brady, Senate Fiscal.

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 2:05 PM.

a. Introductions:

Monica Nason was introduced to the Committee as the General's secretary who will be taking minutes. The only absent member is Clay Choquette. As we discussed the Police Chiefs Association designation is now vacant and with the quorum and the introduction

to members I would like to obtain a motion to approve the October 21, 2011 minutes.

B. Approve Minutes of October 21, 2010

Deputy Attorney General Coyne made a motion to approve the October 21, 2010 minutes. Nancy

Haley seconded the motion. All Member's being in favor, the minutes of October 21,2010, were approved.

Director Hilliard wanted to do an addendum to the minutes because during the presentation last time he failed to provide a copy of the proposed FY 2012 Budget and he told the Committee that he would email to them, which he did the following week.

Director Hilliard handed out packets on the budget which was discussed at the last meeting.

II. FUNDING

A. Budget

a.FY2011

Director Hilliard distributed to the Commission members packets on the budget to date. The budget proposed last meeting was revised and adjusted. The second page of the packet defines some of the information as to how the budget is put together in terms of the health and benefits package, salaries, etc. The next page shows the actual budget to date. The initial billing to the Department of Health is for \$775,000.00. To date we have approximately \$101-102,000 still

available. We expect this to be spent by the end of June. Salaries – we have four paydays coming up and this is going to spend approximately \$97,000.00 of that money. We have the balance of the money earmarked for another purchase, so we will attempt to spend every dollar we have of that \$775,000.00.

b. Byrne/JAG Stimulus Grant

There is a small balance available and this money is being spent on our NIBIN technician. The money will be used up through the hiring, of three part-time, temporary retired law enforcement officers to assist the Laboratory in eliminating the backlog of test fire cases. As you know there were articles in the Providence Journal which stated that there were some backlogs mostly in the firearm section. All the test firing and comparisons over the last four weeks have reduced the backlog in firearms. We will spend the rest of the Byrne/JAG stimulus money by the end of the next week which is a pay period.

c. Byrne Grant FY 2010

We will start to use the current Byrne Grant money that was appropriated last year for \$23,000.00 to pay our current NIBIN Technician as well as to support the test firing of guns. This is an appropriate use of both those monies which we basically need for the firearm section of the Laboratory. The Byrne 2010 money will continue on to pay for the NIBIN technician until it is used up. There is concern that the Byrne funding is going to be cut in the President's FY2012 budget (10/12), and that funds may not be available to the State Crime Lab in next budget cycle.

d. Coverdell Grant

We have not yet spent our 2010 allocation. We have been paying for our Quality Assurance officer out of our current FY 2011 state funds, but starting the fiscal year 2012, for the state, we will then start using that money to pay 65% of the Quality Officers position. We currently do not have enough money with the \$775,000.00 to maintain her position fully paid. We were able to do it in FY2011 because we had two vacant firearms examiner positions July – October and we have another firearm position which I will talk about shortly. We are currently applying for the FY2011 money which will be made available to us in October of this year. The Federal system starts the year in October and considers that FY2011, which is confusing, as the State budget starts in July and is FY2012. There is concern that the Coverall Grants will not be available in FY2012 Federal Budget. There is a group, ASCLD (The American Society of Crime Laboratory Directors), which is mounting a letter writing campaign, and as their point of contact in the Northeast, I have been asked to contact all of the directors and support personnel to send letters to Congressmen and Senators to encourage them to put that money back into the FY2012 budget.

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B. Budget FY2012

a. FY proposed budget for 2012

Director Hilliard explained that he has two budgets prepared. An ideal budget for 1.14 million dollars; this budget provides fully funded positions as well as a quarter of a million dollars for new equipment

to replace some of the aging equipment. Director Hilliard explained that we will probably not get this amount of money. On his handout he pointed out that he proposed for FY2012 at \$862,000.00, which is what is minimally needed to fund the laboratory appropriately, but Director Hilliard understands that the Governor has recommended \$775,000.00 for the laboratory which is what we got last year. Director Hilliard explained that this is the number we will most likely receive for FY2012 starting June of this year and on the handout the revised budget reflects this figure.

We have a NIBIN Technician to supplement the Byrne Gent money that we are spending assuming that the Byrne money will not be available next year and the Quality Assurance Officer's salary is reduced from \$57,000.00 to \$19,900.00 which is approximately about 35%; 65% is to be covered by the Coverdell grant. Salaries were adjusted for a cost of living adjustment starting June, 2011 by 3%. Director Hilliard included a cost of living raise in the budget so it will not have to be reallocated at a later date. Director Hilliard considered health care costs for the year as well as co-shares based on the percentages that employees have to pay against their premiums. Most of the workers are 20% co pays or co shares and one employee has a 25% co share. That money comes back into the budget through withholding and then the insurance is adjusted through the number of people waiving coverage. Director Hilliard explained that if employees waive medical insurance, they are entitled to \$1001.00 cash payout. Operating costs remain the same as the previous year. Repairs have to do with making sure all equipment is working

properly. Most of the equipment is covered by service contracts. Deputy Attorney General Coyne moved the Crime Lab Commission endorse the budget as proposed by the Director contingent upon funding, with Nancy Haley seconding the motion. All Commission members in favor, the motion passed.

b. Coverdell Grant - FY 2011

We are in the process of applying for FY2011, along with State Police and the DOH. There are two possible applications. There are the Coverdell base funds, which covers the cost of the Quality Officer in our Laboratory and a competitive portion of the grant, which we will apply for to provide additional funds for improvement of space facilities in 2012 when additional space becomes available in Fogarty Hall.

1. Legislation

a. Move Funding from DOH to URI.

For the FY2012 budget there has been legislation introduced by the Governor to move the funding from DOH directly to URI. There were two meetings of the Senate and House Finance Committees where Director Hilliard and URI Vice President Bob Weygand appeared before those committees to discuss that move. None of the questions pertained to the move. The questions asked were associated with running the Crime Laboratory, the deficiencies, where it should be located within the hierarchy of the state and whether or not outsourcing would be a better cost effective means of doing this type of work. Director Hilliard worked with Bob Weygand as well as Dean

Jordan and the President of URI on answers to these questions. Questions and responses were sent off to the respective chairman of the House and Senate Finance Committees; everyone on the Commission was copied. To date no responses have been received. It seems that it is no problem moving the finances; the problem had to do with the articles which appeared in the Providence Journal which stated that there was backlogs in the Crime Lab and this was just prior to the House Finance Committee Meeting, questioning if the state can actually afford a Crime Lab. Discussion among the Commission Members was made about resourcing and research proved that it would cost the state more to outsource work. Fees were actually double those that are being charged now. If work is outsourced you have to transport evidence out of state, and then get it back and when examiners have to come to testify the rates charged are higher and travel expenses have to be paid as the examiner has to come from out of state.

b. Limited Period Appointments -

In terms of limited period appointments right now we cannot change the designation as this is the way it is written into law. URI Legal Counsel will work on legislation to change this designation, which may contribute to the responses we get when we advertise our open laboratory positions. The Commission has approved this legislative change

III: LABORATORY STATUS

A. Laboratory Progress Report

a. January – December, 2010

Director Hilliard had included reports in the packet handouts at the start of the meeting for review. Highlights - Caseload as compared to 2009 was down overall. There were 635 case submissions with 3,244 items submitted in 2010 compared to 689 cases and 3,664 items submitted in 2009. The drop is due mostly in the drop in cases from Providence which was a result of us losing both of our firearm examiners and that we stopped accepting firearm cases. All departments were notified. Providence case load went down 64 cases from 2009-2010. ATF which is another large usage of laboratory for firearms went down 12 cases overall; Tiverton went down 10, RISP went down 9 cases Newport went down 9.

We did see some case increases in case work from Cranston, we were up 21 cases; East Providence PD up to 12. These mostly had to do with B&E's; finger print examinations. Due to the economy becoming tougher the number of B&E's has gone up. Johnston PD was up 11 cases over the year, as well as Narragansett, North Providence PD, Warwick and West Warwick PD. B&E's are up 40 cases over the year and auto thefts are 7 cases more. Homicide cases we have seen since last year went down 9 cases from 2009. Some the highlights last year were some media contact .We assisted both Ghost Hunters and NOVA in filming some segments for their episodes. Quite a few of our members still maintain memberships on boards/committees both local and national. Training was received and lectures were given to community organizations along with tours of our laboratory.

b. January 1 - March 31, 2011

Highlights – We have seen a significant increase in cases verses last year. There is an increase this quarter along with 63 cases by the Providence Police Department. Other increases are East Providence PD; Coventry is up, RI State Fire Marshall is up, RI State Police and North Kingstown. There were decreases seen in Newport and Barrington. There was a slight increase in ADW, arson, and firearm violations. There is a decrease in the number of homicides which is down three cases from last year during the same quarter. Personnel maintain their positions on Boards and Committees. There have been many requests from high schools for lectures relating to CSI.

1. Firearms Section Update

At the last meeting it was announced that we hired Neil Clapperton and that we had interviews for three potential candidates for our second firearms position. Mr. Clapperton, having been approved by this Commission was, cleared for casework in December for doing both casings and projectiles. We then hired Mr. George Foley, who began working in November and was cleared for casework at the end of December. Mr. Foley was working full time for the Boston Police Department and had informed the search committee that he would be retiring from that position once he started this job. During the course of his three to four months of employment, from January to March, there were consistent times he was unavailable for work during the week. He had significant obligations from his Boston PD position to attend court hearings as a Detective of the Boston PD to the point where he was out two to three days a week and working Saturdays

and Sundays to make up his 35 hours and in some cases not doing that. Director Hilliard had a conversation with Mr. Foley in early April as to what his status was. He informed Director Hilliard that he had not left his position at the Boston PD. Mr. Foley was asked if there would be a problem with Boston PD if they knew he was working here full time and he said it would. He was informed that it would be a problem for us as well, and he was given the option to choose between jobs. Mr. Foley said he would stay with Boston PD and so he offered his resignation. That was accepted April 10, 2011. We now have another vacant position. We will start the process to advertise for this position right away.

Using funds from the two Byrne grants, three part time temporary retired police officers were hired to alleviate the firearms backlog of test fires. The positions will go to the end of next pay period which is next Friday and we will have addressed every single case in the laboratory that has a test fire which totals over 250 guns. This now generates cases for comparison and for NIBIN entry. A discussion was started relating to firearms and NIBIN with the hiring of a NIBIN technician. A question was asked if anyone can be trained to be a NIBIN tech and answer was yes, but that funding was needed, along with a commitment of employment on a regular basis.

Lt. Richard Altimari of RISP suggested that the SP might be interested in training someone to work in the Crime Lab. Further discussions on this would be set up with Colonel O'Donnell. The best scenario would be of course to hire someone who is already trained, but the idea of training someone from State Police and maybe one

from another agency was discussed. This had been discussed previously with State Police and Providence Police Department, approximately three years ago, but unfortunately at that time manpower was down. Now with the New State Police School coming along this may be a good time to approach this. Neil Clapperton will be willing to train a candidate.

B. ISO/IEC Accreditation

a. Re-Accreditation April, 2011

In March, 2011 the laboratory underwent an onsite audit in March for two days which resulted in one non-conformity. This means the Laboratory did not meet one of the criteria's within the ISO standard. The non-conformity had to do with documenting a specific date for a management review committee meeting. The interpretation of the controlling ISO guide for this item had been changed in the past year, so even though it was not an issue during the past four audits of the laboratory it was cited this year. There were also two comments which needed to be addressed within 90 days. Discussion was made about how many non-conformities were allowed. The Committee was told none, and that any problems found had to be corrected within 90 days. The Staff have proposed a remedy for the non-conformity and have addressed the comments which will be forwarded to the FQS for their consideration. It is anticipated that they will accept the remedies and the Laboratory will be accredited for another four year cycle with reviews each year.

C. System Updates

a. NIBIN Update

There was a 13 Critical Tasks Workshop presentation by the FTI, the company that makes the NIBIN system. There were over 90 law enforcement, legal, and medical personnel in attendance for this one day workshop which was held at URI and was hosted by the Crime Lab. The seminar seemed to be well received. It did add some additional work to our caseload as the attendees became aware that weapons that are meant for destruction should be test fired and tested before they go into destruction. Pawtucket borrowed the portable Bullet Recovery System to test fire some of the weapons that they were going to destroy.

b. AFIS Update

1. Connectivity Issues

At our October meeting, we discussed an issue we were having with the transmission time for the finger prints to come up for comparison purposes. Examination of line connections was done. There seems to be a connection problem between URI and DOA. Unfortunately, there does not seem to be any resolution as to how to speed up the transmission. There was some discussion as to doing a VPN with Connecticut but when they were approached we were informed that this could not be done as we are considered a foreign agent. The question is should we upgrade the 56K line to a T-1 line and who pays for this along with the new router? The cost for the new router is \$1800.00; upgrading the line - the monthly cost would go from \$110.00 a month to \$210.00 a month. Right now as the examiner sits at a terminal it takes a minute and a half to three minutes for images to appear. Any remedy to rectify this situation would speed up efficiency

for the examiner.

2. RI Criminal History Access

a. CAFIS Conversion Numbers

There has been some effort made to work with the AGs office to put a MOU together and this has not happened yet. We would like to access the conversion numbers so that they can easily look up an individual's fingerprint record. It would make it more efficient doing it this way than having to make phone calls. Deputy Attorney Gerald Coyne asked Director Hilliard to check back with him in a couple of weeks if this issue was still pending.

IV. NEW BUSINESS

A. Senator Leahy Forensic Legislation

This legislation would provide money for research as well as some funding for laboratory capacity building. Senator Leahy is recommending \$15 million be used for laboratory funding. Most of this money will be spent on universities to do research projects to verify the other sciences.

a. Senator Whitehouse –Justin Florence

I received a call from Justin Florence who is one of Senator Whitehouse aides regarding this bill. ASCLD would like me to go to DC to meet with Justin together with the lobbyist to try to push this legislation.

B. ITEMS FROM THE FLOOR

a. Question about funding

Nancy Haley asked if funding would still come through the DOH.

Director Hilliard stated that the idea is that legislation and the Governor's recommendation in Article 9, Section 4 was to move the funding for the laboratory from DOH to URI. Much like what was done three years ago when they moved the money from the AG's office to the DOH. At the hearing we attended unfortunately nothing was mentioned about the movement of money. The discussion focused on the works of laboratories. Apparently the Committee was upset as there had been a request made to review all of the state laboratories by year end in the budget. Apparently this was proposed and went out for bid but no one bid on this. Right now the movement of personnel, consolidating with DOH forensic science lab, along with space at the University is on hold. It is felt that the DOH laboratory is going to stay where it is right now.

Deputy Attorney Gerald Coyne made a motion to adjourn, with all members in favor; the meeting was adjourned at 2:55 PM.

Minutes taken and transcribed by:

Monica A. Nason, Department of Attorney General