

# **Crime Laboratory Commission Meeting**

**April 9, 2013**

**OFFICE OF ATTORNEY GENERAL**

**3'RD FLOOR CONFERENCE ROOM**

**150 SOUTH MAIN STREET**

**PROVIDENCE, RHODE ISLAND 02903**

**2:00 PM**

**In attendance were Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Professor E. Paul Larrat, Interim Dean URI School of Pharmacy; John Grassel, Rhode Island State Police; Clay Choquette; Nancy Haley; Robin Smith, Rhode Island Department of Health Forensic Science Laboratory;**

## **I. INTRODUCTION**

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

**Meeting was called to order by Gerald Coyne @ 2:10 PM, and was then turned over to Director Hilliard. Director Hilliard.**

#### **a. Governor's Appointments to the Commission 2013-2015**

**1. Senate Advice and Consent – Copies of the appointments and the consent of**

**Senate Testimony before the Senate Judiciary Committee was given.**

**During the testimony Senator Archambault raised the issue of the Laboratory being underfunded and in need of better facilities.**

**Director Hilliard was asked about backlogs in the Laboratory. All questions were answered. The Governor marked and approved for the appointment of three members of the Commission. They are Nancy Haley, Clay Choquette for reappointment and Chief Joseph Tavares of East Providence Police Department as the new Police Chief Appointment. These new reappointments are now dated for 2015.**

**b. Introductions**

**Director Hilliard then introduced Professor E. Paul Larrat Interim Dean URI School of Pharmacy to the Commission.**

**B. Approve Minutes of October 24, 2012**

**A motion was made to approve the minutes of the January 24, 2013 meeting by Gerald Coyne, Clay Choquette seconded. All were in favor and the minutes were approved.**

**II. FUNDING**

**A. Budget FY 2013**

**a. State Appropriation**

**Packets were distributed at the start of the meeting by Director Hilliard. He then explained that in the packet was a copy of a budget spread sheet for FY2013. As of April 18, 2013, 66% of the budget has been spent or encumbered. Monies for the audit services which is associated with our Quality Assurance accreditation have been encumbered. The amount that has been put aside may actually be more than what will actually be charged. The auditor that has been assigned is coming from Worcester, Massachusetts which means**

**that his travel expenses should**

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**be less than originally anticipated. Any surplus balance will be used to offset the deficit of \$13,868.00 that we had in FY2012. If there is any money left in the account we will use the money to pay off URI and then any surplus after that will be carried over to the next year. URI has an agreement with the powers that be that any funds which are left in the budget have to be carried over to the next year. Right now we are in the process of offsetting any negative balances within the account. There were no questions.**

**b. Coverdell Grant FY 2012**

**This grant is currently being used to support the Quality Officer Position. The amount of the grant is \$14,291.00. The funds are expected to be expended within two and a half pay periods bringing it to mid May.**

**c. Byrne Grant FY 2012**

**This Grant currently is being used to support our NIBIN position which currently is a student. The amount of this award is \$12,279.00. Funds from this grant will be expended by June of 2013. This will coincide with the student leaving as he will be graduating in May and we will be able to carry him until the end of June, 2013.**

**B. Budget FY 2014**

**a. State Appropriation**

Referring back to the packet is a similar spread sheet which showed that originally a budget of \$1,300,000.00 was submitted to the Governor's office. It was reduced by the Governor for an allocation of 1,027,327.00. Figures were amended to coincide with the recommended allocation from the Governor's office. A full time nonclassified position will be created by the increased budget. This will combine funds from Student Help (NIBIN) and a nonclassified limited part time position creating a full time position at a salary of \$54,000.00 with benefits. Question by Robin Smith – is this a Crim I? Director Hilliard stated that it actually can be a Crim II if the person meets all the qualifications. Director Hilliard explained that they were looking for a trained individual and not a trainee explaining that is the reason the salary is \$54,000.00 which is the base of a Crim II position and the mid-range of a Crim I position. The budget provides \$119,376.00 allowance for a new instrument (FTIR) the purchase price for that particular instrument is about \$140, 00.00.00. The difference hopefully will be made up by trading in the old instrument and then negotiating with the company. Question was asked exactly what the FTIR is. Director Hilliard explained that this machine has been in place since 2003, and runs all the paint samples, fabric dyes, and any organic substances that would not run through the GCMS. It is used often for Trace comparison. Lately there have been some issues with the machine but fortunately the repairs have been covered under the service contract. After this year a service contract is no longer available. If the company will not take the machine in trade then the machine will be placed in a training laboratory for interns and

students. The Commission was then asked to look at the telephone expense figure in the budget. Funds needed to be added to this due to the long distance telephone line – T-I line for the AFIS Connection. Apparently, URI was not charging the Laboratory a monthly fee for the T-I line. Once this was discovered it was decided that we had to pay not only the regular monthly fee discussed but fees for the months in

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which no charges was made. This will be reduced in the future by transfer to the OSHEAAN fiber system.

### **C. OTHER SOURCES OF FUNDING**

#### **a. Coverdell FY 2013: Discretionary and Competitive**

The Coverdell Discretionary for FY2013 is funded at a much lesser amount than last year. The Discretionary base is \$22,296.00 and Competitive is \$175,000.00 If the competitive is not awarded then the Discretionary base would be \$54,000.00 These figures are based on a nine million dollar allocation. Last year 18-19 million was awarded. ASCLD has provided information that the allocation would be twelve million which would then increase the Discretionary amount given to each state. Discretionary has been split evenly four ways – Rhode Island State Crime Laboratory, RI Department of Health Laboratory, RI Department of Medical Examiner, and RI State Police CIU. Director Hilliard informed the Commission that in the members packers a

cover sheet as well as information on competitive funding versus discretionary funding was placed. If competitive is successful, discretionary will be less and then split among the remaining three agencies. It was explained that agencies can apply for competitive funding for grants up to \$175,000.00. Grants have been submitted on behalf of the RI State Crime Laboratory for the past two years in a row which have been unsuccessful. This year an application is going to be made but instead of asking for money for construction the request is being made for three pieces of new equipment. – UV VIS Spec which is an instrument used in Trace evidence which at the present time the Laboratory does not have. This will allow the Laboratory personnel additional capabilities for identifying compounds; a RUVIS workstation to enhance the Latent prints sections ability to locate prints of value on evidentiary items for comparison; and a new firing tank to replace the one currently in service since March, 1997. Director Hilliard explained that if the Laboratory were to move to a new facility it would be nice to just build the firing tank in one place rather than move the existing one. Asking for these three pieces of equipment adds up to approximately \$157,500.00 which after taking off the ten percent that the Public Safety Grant Administration office retains, will bring the total up to \$175,000.00. There was then some discussion on how RISP was also going to submit a Grant proposal and Robin Smith, from DOH, also stated that she was thinking of submitting a proposal and that only one Department would be awarded the funds. This would be decided by a Committee at the Department of Public Safety Office. John Grassel from RISP stated

that the down side of one of the entities receiving the grant means that the other entities almost will received nothing from the Competitive portion, but there is discretionary monies and each state will receive a certain amount based on the population and Rhode Island is due to receive \$22,296.00. Director Hilliard then explained that if none of the entities receives the competitive then the state will receive \$54,000.00 and this will be split four ways. Clay Choquette then asked – In the past two years you submitted a proposal and did not receive it did any of the other entities receive any money? Director Hilliard stated no that they did not submit any proposals. The only entity that applied was The City of Warwick and they received the grant money two years ago but it did not affect the State’s side.

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#### **b. Other Funding**

Director Hilliard explained that he is actively seeking Bryne funds and pursuing Google funds.

### **III: LABORATORY STATUS**

#### **A. Laboratory Progress Report**

a. In the packets are copies of the progress report for the first quarter this year January–March 31, 2013. When compared to last

year at the same time, cases are down by 19. The Laboratory has taken in 174 cases and last year at the same time they had taken in 193. The items submitted and also down by 40 items – 875 as compared to 915 last year. The main reason is that Providence Police and Fire Departments have submitted about 21 less cases this year then compared to last year. Most of the other departments are the same as last year in terms of submissions. At the last meeting a question was raised by Attorney General Peter Kilmartin as to how many cases are taken in and then are reported out. Cases closed in 2012 was 834 and 1,055 reports were issued because about 20% of the cases have more than one report. For this quarter there have been 228 cases closed with 274 reports issued.

**b. Firearms Section update**

Firearms Section shows a backlog of about 426 cases which is down and probably due to the fact that there have not been many submissions from Providence. Turn around for firearms is about 12 months, but if a case is ready for court the case can be turned around within two weeks or less.

**c. Latent Print Section update**

Starting 2012 was 60 cases back logged and by the end of the year it was reduced to 41. Currently back log is 42. There is about a 45 day turnaround time.

**d. Trace Section Update**

Backlog is 41cases. Started the year with 48 cases. Turnaround

time is about 45 days.

## **B. Laboratory Personnel Badges and Commissions**

A picture of the badge was shown to the Commission as the Commissions name will be displayed on the badge. This badge mirrors the badge that the AG's office had previously issued. Director Hilliard asked if a motion should be made to approve the badge. Mr. Coyne stated that he did not think a motion needed to be made but that it should be left up to the Department.

## **C. ISO/IEC Accreditation**

The onsite surveillance by FQS is scheduled for May 15, 20-13. The Auditor is David Grade who is Director of Criminal Identification Unit of the Worcester Police Department. Latent prints and Trace will be reviewed. Jane Northup and Amy Duhaime will prepare for the audit

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and will address any issues that might arise during the surveillance. Mr. Coyne asked if there are any comments from people that are serviced by The Laboratory that they look at. Director Hilliard explained that surveys are done every year by the Police Departments and that Jane Northrup had recently finished them and they may be reviewed by the auditor and also if he needed to speak with anyone

that could be arranged.

#### **D. Space Allocation**

An Architect has been brought in to consult on renovation of the building in West Kingston by URI. They will look at what it will cost to renovate the West Kingston building. The diagrams from the old State Police Headquarters Building were given to them. Originally it was understood that the move would be the summer of 2013, but as it turns out it will not be until the summer of 2014. In the meantime we are still negotiating space use in Fogarty Hall until the move takes place. The Laboratory will pay for any renovations that need to be done to extra space in Fogarty Hall, and The University has budgeted \$250,000.00 for renovations and moving costs associated with the building in West Kingston.

### **IV. NEW BUSINESS**

#### **A. Legislation Reappointment of the Director and Proposed Language Change**

##### **a. §12-1.2-5 Director of State Crime Laboratory**

. The five year appointment ends June, 2013 and state law sated that The Commission may appoint the Director for another five year term if it so desires. It was then decided to formally place on the Agenda for the June, 2013 meeting the reappointment of The Director. Also, it was recommended that the Police Chiefs Association and The University be contacted for letters supporting Director Hilliard's reappointment.

**b. §§ 12-1.2-6**

**The Director and all other positions of the state crime laboratory shall be considered limited appointment positions of the board of governors for higher education and shall be subject to all employment policies, practices and procedures of the board of governors for higher education and the University of Rhode Island. Main consideration is “limited” language. Director Hilliard then explained that he has contacted both Kerri Bennett from URI and Colleen Brophy of the Higher Education Department by email. Just before the meeting today Kerri did get back to Director Hilliard and explained that nothing would be done this year. The Legislators stance is that all state positions are limited to funding. The basic argument with this language is that this limits the quality of the applicant pool for positions within the State Crime Laboratory. Director Hilliard stated that they will try again next year to see if this language can be changed.**

**B. National Commission on Forensic Science**

**This item was not placed on the Agenda, but Director Hilliard stated that he wanted to mention this. The Department of Justice and the National Institute of Standards and Technology announced the creation of the National Commission on Forensic Science. This Commission will**

**consist of approximately 30 members and they have opened up the Commission membership to anyone who would like to apply for it. Director Hilliard then informed the Commission that he has made an application for membership to the Commission. Dean Larret has sent in a letter of support which stated that The University would give Director Hilliard the time to do the work which is associated with the Commission. Director Hilliard then also stated that Gerald Coyne had sent in a letter on behalf of the RI State Crime Laboratory Commission and he thanked him.**

**Deputy Attorney Gerald Coyne made a motion to adjourn, with all members in favor; the meeting was adjourned at 2:50 PM.**

**Minutes taken and transcribed by:**

**Monica A. Nason, Department of Attorney General**