

Crime Laboratory Commission Meeting

July 10, 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; Lt. Richard Altimari, Rhode Island State Police; Chief Joseph Tavares East Providence Police Department representative of RI Police Chief Association; Robin Smith, Rhode Island Department of Health Forensic Science Laboratory, a designee for Commission Member Nancy Haley.

I. INTRODUCTION

A. Welcome to Commission Members

Meeting was called to order by Gerald Coyne @ 2:00 PM, and was then turned over to Director Hilliard.

a.. Introductions

Director Hilliard welcomed Chief Joseph Tavares from East Providence Police Department who is the RI Police Chiefs representative.

B. Approve Minutes of October 24, 2012

A motion was made to approve the minutes of the April 9, 2013 meeting by Gerald Coyne. Director Hilliard noted one minor change which needs to be made section II B, a., line 10 needs to be amended; change \$44,000.00 to \$54,000.00 and the wording “high-end” needs to be changed to mid-range. With those changes the minutes were then approved by Lt. Richard Altimari and seconded by Chief Tavares. All were in favor.

II. FUNDING

A. Budget FY 2013

a. State Appropriation

Packets were distributed at the start of the meeting by Director Hilliard, which included spreadsheets for FY2013 and FY2014. Members were then asked to look at FY2013 figures. Initially the Laboratory was funded at \$859,820.00, but then this amount was reduced to \$855,659.00 due to budget reduction in the Staff Benefits Allocation. The spreadsheets do not show the last period of this fiscal year as URI had not put these figures in. The projected balance is approximately \$66,000.00 which is based on the final pay period deduction, FY2012 deficit reductions and removal of encumbrances. The balance of the funds will be rolled over into FY2014 as outlined in the budget clause. Any questions – none.

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. These funds have been expended by May, 2013.

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 need to be expended by September 30, 2013. The student status changed for the summer as he has graduated. It was anticipated that all of the monies would have be spent by the end of July, but unfortunately, he had some family issues and personal problems whereas he could not work the hours he needed to work. The plan is to use those funds in conjunction with the new Criminalist position as this person will be taking over the NIBIN project, as long as The Public Safety Commission approves this plan. If this is approved, then the surplus funds can applied to the salary of the Criminalist and will save in the FY2014 budget, as this position will include talking over the NIBIN project. Mr. Coyne asked how much exactly will be left in funds. Director Hilliard stated that there will be approximately \$1000.00 left after paying the remainder of the salary to the former student. Director Hilliard then asked if there were any other questions. None

B. Budget FY 2014

a. State Appropriation

The total allocation of the proposal is included in the spreadsheet which was handed out in the last column. The amount that was allocated by the Governor's budget is \$1,027,327.00. This amount does not include the rollover which increases the available funds to about \$1,09,000.00. Once these funds are moved into the budget a revised budget will be created and the Commission will see the new budget at the next meeting.

i. New FTE: One of the major changes in the FY2014 budget is the addition of one full-time employee. A Criminalist II position has been approved and is added to the budget. This person will be responsible for tool marks, NIBIN evidence and other testing within the Trace Section of the Laboratory. There is an internal candidate (Karen Vallaro) who will apply for the position. Karen has been a contract employee of the Laboratory since 1998 and is employed on a part time basis. Robin Smith then asked if Karen was interested in a full time position. Director Hilliard then stated that she is interested in full time employment as her children are grown. Affirmative Action was consulted to see if the position needed to be advertised outside and they agreed that it should be posted for ten days. The position has been posted on the URI website for a ten day posting to July 22, 2013. If anyone from the outside does apply they will be interviewed as the position is not restricted, but the hopes are that the position can be offered to Karen. Chief Tavares then asked exactly what the duties will entail. Director Hilliard stated that the position consists of

assisting in the FA section with tool marks, reception of evidence, maintenance of evidence room and NIBIN entry. Question was then asked if this will open up a part time position. Director Hilliard said no as the funds from the part time position will be used toward the full time position. With the rollover funds, however, this may be an opportunity to provide part time funding for an IT position to assist with digital archiving and website maintenance.

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Mr. Coyne brought up the fact that even though this is being called a FTE it really is a combination of both part time positions. Any other questions?

ii. Instrumentation: The Laboratory now will have funds in the FY2014 budget to purchase one new piece of equipment to replace aging instrumentation in the Trace section of the Laboratory; CG/MS or FTIR. The second instrument will be purchased in FY2015 if the budget allocation is maintained or increased.

C. OTHER SOURCES OF FUNDING

a. Coverdell FY 2013: Discretionary and Competitive

As mentioned at the last meeting an application for a Coverdell competitive GRANT has been submitted (\$175,000.00). The grant proposal was structured around the fact that the Laboratory will be moving into a new facility and the money will be used for new equipment such as a new Ruvis work station which would provide the

staff with better means of finding finger prints on evidence submitted and a new firing tank. Notification usually is by the end of September. If this is denied then the Laboratory will fall back on the discretionary funds. These funds are split four ways between DOH, FSL, OCME, and RISP CIU. If the discretionary grant is allowed the total amount to be split is \$54,000.00 which will leave the laboratory with between \$11-12,000.00 for the year. One cautionary note is that DOJ and NIST are looking to reallocate the Coverdell funds for the National Forensic Science Commission and Guidance Groups (which will replace SWG's). If they are successful then there will be no Coverdell funds in 2014.

b. Byrne FY2013

Director Hilliard explained to the Commission that he has been in contact with Dave LeDoux concerning the Byrne grant application and as soon as the application becomes available an application will be made for the Laboratory.

c. Other Sources of Funding

As stated in previous meetings a request for Google funds has been made. OSHEAN Network to replace T1 line for AFIS transmission is still pending. Directory Hilliard is working with URI to coordinate this. This will save the laboratory approximately \$210.00 per month. Also, there is a URI foundation account which is an account where donations are made. Usually the largest donations come from graduates of the URI Crime School course.

III: LABORATORY STATUS

A. Laboratory Progress Report

a. A printout was enclosed in the packets handed out at the start of the meeting.

This covers January 1-June 30, 2013. This report shows where cases are coming from within Rhode Island and provides a breakdown on the types of cases that are received in the laboratory along with the number of items. Case submissions are up 5.2% when compared to 2012. Case submission to date is 497 whereas last year total was 470. Items received are up 17.2% over 2012 so far 2009 is the total compared to 1714 last year. There have been increased submissions from Cumberland, Johnston, Narragansett, North Providence, Smithfield, North Smithfield,

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Westerly, Providence and Woonsocket when compared to last year. Decreased submissions from Cranston, Middletown, Tiverton, Warwick, and Providence Fire Department are reported. Categories of crimes which we have seen increased submissions include ADW, B&E, Firearms, Violation, and robbery. Categories with decreased numbers are assault, auto theft, larceny, and vandalism/property damage. The backlog remains in firearms at 432, last period there were 426. Latent print examiners are backlogged 53 cases; NIBIN 467;

trace 36. Both trace and latent print turnaround time for nonpriority cases is about three to four months. Priority cases can be turned around generally depending on the complexity within two to three weeks. There are priority cases in all areas, but firearms get the most priority. The Laboratory has received about 14 requests for Crime laboratory lectures from various citizen groups and various educational organizations.

Staff presented twelve lectures and three workshops. There were approximately thirteen laboratory tours. The Staff took advantage of fourteen training opportunities. The Laboratory hosted two training opportunities one on Adobe Photoshop software and a brand counterfeit workshop. There were thirty two police and fire personnel who graduated from the Criminal Investigation Course and there are another thirty two who are registered for the September, 2013 course.

IAI Conference will be in Rhode Island August 4-11, 2013. This is a huge organization and will attract law enforcement personnel from around the country. They have a vendor day which will be Wednesday August 7, 2013 where they have vendors with crime scene, medical examiner, and forensic representatives.

b. Staff Appointments to Boards and Committees

Several staff members are members of national committees. Amy Duhaime is on the ABC Certification Committee, Mark Zabinski IAI Regional representative to NEDIAI and Dennis Hilliard POC for New England Laboratories for ASCLD, also Chair of S/TWGFEX and was recently elected Chair of the SWG Council that chairs 21 SWG

organizations which have nation-wide and international members.

B. ISO/IEC Accreditation

An onsite surveillance of the Laboratory was done on May 15, 2013. The Laboratory passed. There were two suggestions for areas of improvement: The Laboratory was advised that it should prepare its own Code of Ethics Document separate from the University's Ethics statement. Each employee would read and agree to abide by the code by documented signatures. The second suggestion would be to include a statement on all laboratory reports and stationary that relates that it is accredited by FQS under the ISI 7025 standards. These are being considered for implementation.

C. Space Allocation

The Laboratory has acquired quite a bit of space in the basement Fogarty Hall. The Laboratory has spent some money to reconfigure the Latent Print, Trace, and Firearms section within the Basement wing. No longer do firearms have to be transported across the street, which

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releases space which was occupied in the Parking Services building. Firearms are still being transported from Fogarty to a mile away where the firing tank is located. Right now the plan is to use this space for one year as the summer of 2014 is the planned date for the Laboratory to move to the new facility which will be in West Kingston.

Within the Fogarty Building there is a huge laboratory on the second floor which is set up for crime scene demonstrations used in Police Officer training. Robin Smith inquired if there would be more space available at the West Kingston facility. Director Hilliard stated that right now the Laboratory occupies about 6040 square feet and the hope is that at the new facility there will be more space. This will all depend on which academics are willing to move out of West Kingston. The more that move the more space the Laboratory will have to occupy. Director Hilliard also stated that the University is not offering better space to these professors who will move, so therefore they may not want to move out of the space that they occupy presently.

IV. NEW BUSINESS

A. Reappointment of Staff Positions within the State Crime Laboratory

In the legislation URI appoints members of the State Crime Laboratory and The Commission approves these reappointments. All of the staff are on a limited one-year reappointment. There has been some work done on trying to get this language changed, but this has not been successful this year, but will continue on trying to get this changed. Director Hilliard recommended to the Commission that they approve the reappointments of Neil Clapperton, Edward Downing, Amy Duhaime, Kim Freeland, Dennis Lyons, Jane Northup, and Michael Zabinski without reservation. Mr. Coyne made a motion, Lt.

Altimari seconded, and all were in favor of these reappointments.

B. Discussion and consideration of reappointment of State Crime Laboratory

Director

At this point the meeting was now turned over to Mr. Coyne. Mr. Coyne explained that at the last meeting Director Hilliard had explained to the Commission that his five year term was coming to an end on June 30, 2013. It was then decided that Mr. Coyne would solicit through the Police Chiefs feedback on Director Hilliard's reappointment. Mr. Coyne then gave his personal view on the Laboratory stating that the Laboratory has been run very well and that he did not want to have a process in any way arise which would stop that progress or would create a false sense of concerns as to how the Laboratory was running. Dean Larrat forwarded a letter seeking the reappointment of Director Hilliard for a five year term. This letter was circulated to members of the Commission. Additionally, right after the last meeting on April 11, 2013, Mr. Coyne sent an email to each of the Police Chiefs personally asking them to email back their opinions, or concerns on the reappointment of Director Hilliard. The replies, which were sent to Commission members, were that of fairly good comments. Most significantly, was the fact that the people who are the biggest users of the Crime Laboratory were the most who praised the work of the Laboratory at the present time. This includes Providence, Rhode Island State Police, Warwick, and Cranston. The feedback from the Chiefs was

that of a universal support for the

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reappointment. At this point the meeting was opened up to the Commission for their comments. Chief Tavares stated that he has known Director Hilliard since he went to the Police Academy in 1980 and speaking on behalf on the Police Chiefs Association that he has only heard positive feedback and positive comments regarding Director Hilliard's commitment. Chief Tavares then stated how lucky we are to have Director Hilliard in this state. He also expressed how at times it had been frustrating to see how Director Hilliard has had to fight to make things work. He also stated that even though he had to use much of the Google money for pensions he was still committed at some point in time if allowed to recognize the Crime Laboratory with some type of money. Chief Tavares also stated that he has one hundred per cent confidence in the way that the Laboratory is run. Mr. Coyne then asked if there were any other comments. Lt. Altimari said welcome back, we are happy to have you. Robin Smith then stated that she has known Director Hilliard for many years and has worked together with him. She said he is highly respected. Mr. Coyne then commented how throughout the years there have been different types of issues within the management of the Laboratory, but that the Laboratory has never run as well as it has over the past few years. Mr. Coyne also stated as Chief Tavares did that there are challenges

with the budget and it was just wrong the way it was underfunded in the State, but that somehow Director Hilliard managed to live within it. With that Mr. Coyne announced that he was pleased to recommend the reappoint of Dennis Hilliard to another term of five years as Director of The Rhode Island State Crime Laboratory. Lt. Altimari seconded and everyone was in favor.

Deputy Attorney Gerald Coyne made a motion to adjourn, with all members in favor; the meeting was adjourned at 2:40 PM.

Minutes taken and transcribed by:

Monica A. Nason, Department of Attorney General