

**Crime Laboratory Commission Meeting  
WEDNESDAY JANUARY 21, 2015 @ 10:00 AM  
OFFICE OF THE ATTORNEY GENERAL  
THIRD FLOOR CONFERENCE ROOM  
150 SOUTH MAIN STREET  
PROVIDENCE, RHODE ISLAND 02903**

**In attendance were Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Chief Joseph Tavares, RI Police Chiefs Association; Professor Paul Larrat URI; Nancy Haley; Clay Choquette; Lt. Richard Altimari RISP; Commissioner Steven M. Pare Providence Police Department**

## **I. INTRODUCTION**

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

**Meeting was called to order by Gerald Coyne @10:05 AM**

### **B. Approve Minutes of April 2, 2014**

**Mr. Coyne asked to approve the minutes of October 16, 2014 meeting. Clay Choquette made a motion to approve the minutes and it was seconded by Nancy Haley All were in favor and the minutes were approved.**

#### **a. Reappointments**

**Director Hilliard explained that three members of the RISCL terms have expired, and that The Chair should request the**

reappointment of Nancy Haley and Clay Choquette. Mr. Coyne stated that both have expressed interest in serving on the Commission. This will be addressed with the proper individuals. The RIPCA will be contacted to determine if Chief Tavares should be reappointed or if they will be appointing another Chief to take his place.

At this point the meeting was turned over to Director Hilliard.

## **II. LABORATORY STATUS**

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

#### **a. January to December, 2014.**

Packets were provided at the start of the meeting. In the packet there is a copy of the Laboratory Progress Report for dates January-December, 2014. There was a 6% decrease of cases coming into the Laboratory, but the number of exhibits submitted went up about 4.5%. Additionally, we have tracked resubmissions - these are cases which come back for comparison purposes or because additional evidence has developed in a crime requiring a second submission. In 2013 there were 29 cases but in 2014 there was 104 cases resubmitted. There was an increase in firearm violations (253 in 2013 – 278 in 2014) and one less homicide in 2014 than in 2013 (23 in 2013 and 22 in 2014). Cases in which there were significant decreases were in arson, B&E, robbery and stolen property. There were increases from Barrington, Charlestown, RISP, Coventry, and East Greenwich. There were decreases from Central Falls, North Providence, Cranston, and Johnston.

Lab personnel continue to do lectures on the library circuit. There have been 24 lectures and 17 tours of the laboratory. There was a mentorship of a high school student for a project. Five students interviewed personnel for senior projects. Laboratory Staff continue to hold several appointments to organizations both on the National and Regional Level. One highlight is that Director Hilliard was recently appointed to a NIST OSAC subcommittee. The course in Criminal Investigation is still being offered. There were 34 Law Enforcement graduates in April, 2014, and there are currently 40 Law Enforcement Officers enrolled at this time. Lab personnel have worked with DOH Forensic Laboratory and the RI Police Commission on Accreditation in presenting seminars on accreditation to police officers and helping them with evidence retention rooms. The Laboratory's Quality Assurance Officer has worked with three police departments including Providence on reviewing their evidence retention policy and facilities and offering them some guidelines on how to meet the accreditation standards.

This quarter there are 490 cases backlogged in firearms. This is about 38 more than we had in 2013. Latent prints are backlogged 35 cases as opposed to 74 last year. NIBIN because of redistribution of case work went from 529 to 30 cases. This was a combination of removing firearm cases from NIBIN. There are 36 cases backlogged in Trace as opposed to 39 last year and 3 cases in tool marks as

opposed to one case last year. Mr. Coyne then asked on the firearms backlog issues, because Commissioner Pare is here, it is his understanding that Director Hilliard has been meeting with Providence and ATF and would like some confirmation on this. Director Hilliard stated that he had meet with ATF regarding the NIBIN cases and they had asked about the Providence backlog in firearms. They then met with Providence Police Department Administration and came to some sort of agreement as to what will be done. Mr. Coyne then stated that was fine as long as it was being addressed.

#### **b. AFIS Connectivity/Searches**

As mentioned in previous meetings there have been issues with the new NGI Technology. There was a final discussion with the CJIS/FBI in West Virginia and the decision is that RI would not be allowed to have a direct connection. Director Hilliard then stated that he has spoken with Ed Cabral from The Attorney General's office who indicated an upgrade to the AFIS system is in the works and this will include the RISC. Both of the Examiners from the Laboratory are coming to the AG's office for training on the new RICH system on January 22, 2015. They will be speaking with Mr. Cabral on his movement towards fixing the AFIS system.

Edward Downing has indicated that he will retire from his position in the Laboratory as a Latent print examiner on June 1, 2015. He has been an Examiner in the Laboratory since 1999. The Laboratory will begin the process to advertise the position in March. The issue of legislative status of laboratory positions as limited period appointments will be addressed with the University and a letter of

support from the Commission would be helpful to the process. This issue had been previously discussed at previous meetings. Attempts were made in the 2012 legislature to change the wording in the statute to eliminate the word "Limited". This did not turn out favorable at that time. The statute comes under consideration in terms of its reference to the "board of higher education" which no longer exists. The University has a new legislative liaison and Director Hilliard has asked that person to review that statute for the limited term appointment language, as changing it would help in recruiting individuals for the position. Example if the LP

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position would be advertised in March the position will be limited to June of 2015 with reappointment based on funding. This makes it difficult to recruit top notch examiners. Any questions on AFIS?

Lt. Altimari then asked if there was any type of retirement party in the works for Edward Downing. Director Hilliard said that there would probably be some sort of event in June and he would let him know.

#### **c. Firearms Backlog Issues**

The proposed committee mentioned at the last Commission meeting was not formed, however, there have been some direct discussions with BATFE concerning NIBIN and the FA backlog. BATFE personnel met with Providence PD administrators to determine how to best deal with the backlog issue. Providence Police

Department BCI was provided additional information concerning the PPD cases currently at the Laboratory to assist them in determining what cases, if any, they could request a "Termination of Services" to the Laboratory. This would alleviate working on older cases and just concentrating on the newer cases. Director Hilliard stated that as of January 20, 2015, he received an email from BATFE Agent James Ferguson who indicated that Providence PD had prepared a notice of its decision regarding the FA backlog and that it will be forthcoming. Commissioner Pare then stated that he spoke to Colonel Clements and that a letter would be drafted but that they didn't know exactly what was required in the letter. Director Hilliard explained that it would be a termination of services request and old cases would be turned back to PPD and should, at some point in time, there was a need for these to be examined they would be resubmitted. Clay Choquette then asked if these would be a case by case basis, and what type of cases. Director Hilliard stated that these cases go back to 2012 and Providence Police Department has been provided a list of all cases which are in the system, with designation of the type of crime and suggested that a termination date be picked and then those cases would be terminated. Should those cases become alive again because of some new information the Police Department would be able to resubmit the case. Clay Choquette then asked if this was only being done with Providence cases. Director Hilliard and Mr. Coyne then explained that over a year and a half ago all police departments were sent a letter notifying them of backlogged cases at the Laboratory to see if any could be terminated. Unfortunately, there

were no responses from any of the local police departments. Mr. Coyne then stated that if Providence was asking to set a termination date with the exception of maybe the State Police, his hope is that the local police departments have less than the inventory in Providence. He then stated that if Providence is addressing its backlog he does not want to see new Providence cases going behind old cases which have come in from towns such as Richmond, that is three years ago. Director Hilliard stated that this would not happen, as from his experience as soon as a Providence case is received it is usually a priority case. Mr. Coyne then suggested that once Providence backlog is addressed that he would work with Director Hilliard to send something to the local police departments to encourage them to do the same thing because it doesn't make a lot of sense to have a backlog exist and have a new Providence case get behind a old case which is a couple of years old from a smaller agency. Mr. Coyne then stated that this is a national issue and when you read new reports that come out there are some areas that have gotten some best

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practices to address the issue. He also stated that the goal should be to try to get at the front end of that practice. Commissioner Pare then asked that once the backlog is eliminated will the Laboratory able to keep up with the incoming cases, because in a year or two he did not want to be back in the same position. Director Hilliard stated that they

have looked over how many cases come in per month and how many are processed and right now it seems that there about 20-25 cases which come in per month mostly from Providence and they can process out at least 30 per month, so if the backlog is eliminated they should be able to catch up pretty quickly, and keep current with the cases coming in. So if a new case comes in it can be processed within two weeks. Discussion was then focused on not to have this type of backlog repeating itself in another couple of years. The NIBIN equipment is scheduled to be updated for early March of 2015. The newer system is a much smaller system. Clay then inquired that at the last meeting there was discussion with Providence Police about having a satellite of RISCL housed at PPD, and if there was a satellite office would this help with backlog. Discussion then was about hiring a new examiner having the examiner initially doing the work and then the work would have to be verified by another examiner as this is part of accreditation. The idea of having another examiner is good but problems are funding of his salary, equipment, and location. Mr. Coyne asked if the equipment comes from ATF. Director Hilliard explained that the NIBIN equipment does. In terms of a satellite they would need a comparison microscope to do the quick review of the evidence so they know within hours following the collection if there were two guns, etc. Mr. Coyne then asked just a ballpark figure of what the cost of a comparison microscope would be. Director Hilliard said that it would cost \$104,000.00. Chief Tavares then asked if the purpose of the satellite office was for Providence PD to have easy access for cases. Director Hilliard stated that Providence would like a

quicker turnaround time and used Boston PD as a model as they have results the next day. The major problem with how the backlog occurred is the fact that in 2010 the Laboratory lost two examiners thus creating the problem. Departments were asked to hold evidence until a new examiner was hired in 2011 at which time the laboratory received huge submissions from Providence which created the huge backlog. Deputy Coyne then asked Director Hilliard – assuming you address the backlog is it fair to say that if there is a shooting anywhere in the State and State Police or Providence Police contact The Laboratory and say they can run the evidence down can we receive a one day turnaround? Director Hilliard then said it depends on the type of evidence – Mr. Coyne then stated suppose it was for comparison of cartridge casings and Director Hilliard responded that probably a verbal can be given in one day. Reports will take two weeks. Lt. Altimari then asked about the possibility of training a officer and have them work only on that Departments cases in the Laboratory - has this ever been discussed? Director Hilliard then stated that it takes about two years to train an individual and if they get a promotion they move on. Commissioner Pare then stated that all Providence is looking for is some type of lead and not a complete report right away just leads.

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

Accreditation should be the second week in March, 2015 for the on-site surveillance/audit from ANAB. Mr. Coyne asked if when the accrediting agency comes in if they ask for feedback. Director Hilliard said only if they ask.

### **C. Space Allocation**

There is no additional information since the last meeting. This will be discussed under the Google fund request.

## **III. Funding**

### **A. Budget FY 2015**

#### **a. State Appropriation**

As reported at the last meeting the state appropriation was \$1,032,220.00, and there have been no changes.

#### **i. Expenditures to Date**

Budget sheet prepared from URI data spending is on-target in personnel, fringe and office expenses. Surplus in Other Repairs which includes the cost of the GC/MS service contract funds (\$23,594.00) and equipment for the service contract (\$25,232.00) on the FTIR which leaves approximately \$6,000.00 which will be used to train analysts on the instrument at the FTIR manufacturer in Wisconsin.

#### **b. Roll-over Funds from FY2014**

Fund balance was reported to be \$1,094,216.00 at the last meeting. Rollover balance of funds from FY2014 were placed in the FY2015 budget making the current fund balance \$1,107,749. These

figures are reflected in the Budget sheet provided in the packets. The rollover funds were reallocated within the FY2015 budget to address recommended expenses which include other repairs for the GC/MS service contract; student help for IT assistance from the College of Pharmacy, Physical Plant Maintenance/Repair costs for expenses related to the purchase of a new Bullet Recovery Tank and placing it within Fogarty Hall. Right now it is currently about one-half mile away in the Wakefield House building. Director Hilliard explained that he has been talking to the URI architect about refurbishing an area in the Fogarty building. Enclosed in the packet there is a sheet which shows the approximate cost of the renovations. There have been discussions with URI Staff and the Campus Police about creating an Armory for unintentional discharges and The Laboratory is being asked to create a Ballistic Protected Acoustic Room for unintentional discharge as well. This would require putting Ballistic resistant materials on the walls and doors, the cost as you can see would be approximately \$35,000.00. Director Hilliard stated that in the 50+ years or so there has never been an accidental discharge. Clay Choquette stated that when he was an Officer there was a room at the Police Department where Officers could clear weapons in, but no Ballistic Protected Room. The University architect is requiring that this room be designed. Director Hilliard stated that he did not expect this to be the total cost for this because this included a doorway being removed and also there is the purchase of the New Tank which is approximately \$36,000.00 bringing the total so far up to \$71,000.00.

**c. Professional Staff Salary Adjustment**

**A request was made to the Department of Education for a supplement request for FY2015 in the amount of \$66,317.00 from URI. This in turn went to the Department of Administration budget office which then sent it onto The Governor for her consideration. This would bring salaries of the RISCL up to the same pay grade as RIDOH. It is unknown at this**

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**time as to if this will be included in the Governor's FY2016 Budget request to the General Assembly.**

#### **B. Budget FY2016 Proposal**

**There are no changes in that request since the last meeting, and that includes the salary adjustments as well. Director Hilliard stated that he had a discussion with Greg Stack of the State Budget Office as to the request to purchase new equipment for the Laboratory. He asked why the Laboratory was not seeking other fund resources for that rather than using state funds. He specifically mentioned Google Funds at The Attorney General's Office. This lead to a discussion in which he was told that the Laboratory has continued to request Google Funding through the Commission to The Attorney General's Office. He then asked for a copy of our Google Proposal request. Deputy AG Gerald Coyne was notified of this request. The original request was updated, a copy of which also is enclosed in the packet for the Commission. Several of the items which were in the original**

request have been taken off as they were already purchased with state funds. Mr. Coyne explained that state purchasing is very slow. Mr. Coyne then asked about the Comparison Microscope which was on the request if this was for a satellite office or if it is to replace one at URI. Director Hilliard stated that this would be for an additional one to be located in the Laboratory. He then asked that if this microscope was allowed, is there personnel to operate the scope. Director Hilliard stated yes. There are two scopes right now. One is not used as much as it should be because the technicians prefer one over the other. If there was a third microscope of course this could be located at a different location.

### **C. Other Sources Funding**

#### **a. Coverdell FY2014**

Director Hilliard stated that he was notified last week by the RISP GAO to apply for Coverdell funding. The application is under review at the University and this will be sent out as soon as it is signed. Total funding as previously reported is \$14,181.75. This money is used for training conferences which are attended by Staff. Just as a side note Director Hilliard explained that this grant is always in jeopardy of not being funded by Congress. Last year Deputy Attorney General Gerald Coyne wrote a letter to Senator Whitehouse requesting that these funds be continued. A letter again may be required this year. Mr. Coyne said that would be fine.

#### **b. Byrne FY2014**

The award letter was received last week and funding is \$16,589.00. These funds will be used to purchase the bullet resistant

panels for the Bullet Recovery Tank Room in Fogarty Hall. The rest of the money needed for that project will come from the rollover money, and there is money in the Foundation. Another source would be to reach out to the RI Criminalist Association.

**c. Other Funding**

URI Foundation: \$2,050.00 was donated to this fund in December, 2015. Right now there is about \$20,000.00 in that account.

**d. Google Funds**

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As mentioned there was a request from DOA for this proposal which was updated, and this was sent to Greg Stack of the DOA budget office.

**IV. OTHER BUSINESS**

**A. Federal Initiatives on Forensic Science**

To keep the Commission updated on what is going on in Federal Government in terms of forensic science issues. There will be a renewed effort by Senators Leahy and Cornyn on their bill which pertains to forensic science standardization. They have been unsuccessful on getting this bill passed for the past couple of years. They are going to try to reintroduce this bill again in the new session of Congress. There is continuation of the meeting of the National

**Commission on Forensic Science. The next meeting is January 29 and 30, 2015 in Washington, DC. The meeting is also live streamed. NIST OSAC has appointed Director Hilliard to a subcommittee on fire debris and explosive analysis. The first in-person meeting was held last week in Norman, OK.**

**B. URI/FSP Seminar Program Hand Out**

**This will resume on January 30, 2015. If anyone is interested in being a volunteer speaker Director Hilliard can be notified.**

**Any questions or new business? None**

**A motion was then made to adjourn the meeting by Clay Choquette and seconded by Nancy Haley. The meeting was adjourned at 10:56 AM.**

**Minutes taken and transcribed by:**

**Monica Nason, Department of Attorney General**