

**STATE CRIME LABORATORY COMMISSION MEETING
THURSDAY OCTOBER 15, 2015 @ 10:00 AM
THE DEPARTMENT OF ATTORNEY GENERAL
150 SOUTH MAIN STREET
PROVIDENCE, RHODE ISLAND 02903**

In attendance were Stacey Veroni, Chief Criminal Division Rhode Island Department of Attorney General, Designee for Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Colonel David Randall Scituate PD RI Police Chiefs Association Designee for Chief Tavares; Clay Choquette; Lt. John Grassel RISP; Robin Smith DOH, Designee for Nancy Haley; Professor E. Paul Larrat Interim Dean URI by telephone; Mark Zabinski URI Crime Laboratory; J.D. Edwards RI Crime Laboratory.

I. INTRODUCTION

A. Welcome to Commission Members

Stacey Veroni introduced herself to the Commission and explained that she was the Designee for The Attorney General's Office. She then proceeded to call the meeting to order at 10:07 AM. Ms. Veroni then turned the meeting over to Director Hilliard who then introduced to the Commission members of the RISCL Staff J.D. Edwards and Mark Zabinski. He also explained that Robin Smith was the designee for Nancy Haley who could not be in attendance. Also Professor Larrat was conferenced in by telephone.

B. Approve Minutes of July 9, 2015.

Ms. Veroni asked to approve the minutes of the July 9, 2015 meeting. Clay Choquette made a motion to approve the minutes and it was seconded by Lt. Grassel. All were in favor and the minutes were approved.

II. LABORATORY STATUS

A. Laboratory Progress Report

a. January to September, 2015

Director Hilliard passed out folders to each of the Commission Members. Enclosed in the folder is a copy of the third quarter progress report to Attorney General. There was a 1.9% increase in the number of new cases and 11.2% decrease in the number of exhibits submitted to the Laboratory during this period when compared to 2014. Types of cases in which there was an increase was assault, B&E which was the largest (166 v.137), disorderly conduct, fraud, recovered firearms and stolen property. Homicide cases remained the same (17). Departments which had an increase in their submissions were Central Falls, Newport, North Providence, Pawtucket, Portsmouth, Richmond, and Woonsocket. The largest increase was from Pawtucket. Laboratory Staff appeared in court seven times and testified on four cases. Staff continues to present lectures and seminars a total of 14 were done during this period. A total of 30 training programs were attended by Laboratory members which included on-line and away conferences. A total of eighteen tours of the State Crime Laboratory were conducted. Four

individuals were interviewed for the potential new Latent print Examiner position. Laboratory Staff still hold several appointments on national, regional, and local committees. Any questions on the second quarter

-2-

report? Lt. Grassel asked Director Hilliard if he could explain the third paragraph on page two. He stated that he thought it was a good idea that the Laboratory was now assisting with test firing and engraving the new weapons. Director Hilliard stated that when Chief Baker of URI PD, asked if Laboratory personnel could help engrave the firearms and test fire them to retain cartridges on file should a weapon ever go missing. Neil Clappeton did the work on engraving each of the firearms with a unique number and then test firing each of the weapons. The cartridge casings were then handed back to URI PD for their own records. Lt. Grassel then asked if Director Hilliard would recommend that all Police Departments collect cartridge casings when they qualify at the range. Director Hilliard stated that there have been cases where police officers firearms have been stolen, lost, or taken from them, and it might be beneficial to do that, but that he would leave it up to each Department to make that decision. Should that weapon become lost, the cartridge casings would be put into NIBIN and then if it pops up later on someone would at least know where the gun was had been used. Stacey then asked if this was something that should be discussed at the next Police Chiefs Association meeting or bring back to the Police Chiefs President?

Director Hilliard stated that Colonel Randall could discuss with the President of the Police Chiefs Association.

i. Backlog

Historically firearms have had a large backlog, but due to cooperation between Providence Police Department and the Laboratory the backlog has been reduced to 94 cases at the end of September. It has been decreasing since the last quarter of 2014 when there were over 500 cases. This reflects cases going back to PPD, or because they were inactive, and also the fact that the FA section has become much more efficient in getting cases out. Latent prints – there is a huge increase in latent print cases over the last quarter going from a 20 case back log to 107. Director Hilliard stated that he could explain some of what the problem is, but he brought Mark Zabinski to the meeting to explain exactly what is going on in the latent print section in terms of cases in the last quarter. Mr. Zabinski stated that there is a greater amount of cases being submitted. He then explained that the Laboratory is responsible for over 91% of latent searches in the state. There are other entities which use latent searches also, such as the Attorney General's Office, State Police Department, Warwick Police Department and Providence PD. There has been an increase not only in general submissions from law enforcement agencies, but as a result of Roy Persson not being actively working the cases which were submitted to him are now being sent to the Laboratory. He then stated that he does not see any slowing down of these submissions and just to give the Commission a heads up the Laboratory will probably be looking

to fill another Latent print Examiner position to help with the workload that is increasing. Director Hilliard then stated that they ran numbers for the quarters of the submissions of the Latent Print section and they usually average about 75-80 a quarter except in the summer where they see an increase. Last summer there was 113 submissions, and this past summer for the quarter there was 156 submissions. As you can see this has increased quite a bit. In Pawtucket alone there were 20 more cases this term when compared to 2014. Director Hilliard then asked if the AG's office was planning on replacing Roy or not. Ms. Veroni stated she would go over with Deputy AG Gerald Coyne. Tool mark cases are still low with 2 back logged and trace is about average at 33 cases. NIBIN is down significantly from 30 cases at the beginning of

-3-

the year to just 8 cases. The cases are being completed very fast as Karen Vallaro is now trained in that and is also trained in identification of cartridge cases, explaining the increase in productivity . Providence PD seems to be very happy with the return of their cases.

b. AFIS Connectivity/Searches

There continues to be problems with searches which have been discussed at previous meetings because of equipment. Director

Hilliard stated that he was promised by the AG's office that the equipment would be replaced, but he has not heard any update. Ed Cabral who is in charge of the project, did contact the Laboratory about upgrades to the system as Cogent had promised an upgrade and yet the update still has not occurred. Director Hilliard then asked Ms. Veroni if she has any information. She stated she did not but will find out and email the status. This problem has been discussed at many previous meetings. Mr. Zabinski then explained that the issue relates to Latent prints and the inability to identify all latent prints that comes into the Laboratory. The problem with the existing system is that it is lacking on the Federal side. They have tried to temporarily fix this problem with a patch from Cogent. The problem lies with palm searches, from other states, and also finger searches. Right now they are unable to access NGI and are able to get about 90% but there is no access to palms, and some of the images that are coming up do not show entire images. Personally, Mr. Zabinski states he had a robbery case where palm impressions were developed and also finger impressions. He was able search the fingers and palms in the local data base with no hit, and then searched the finger prints in the national data base which resulted in a hit on the finger prints as the person was arrested in Massachusetts. The police in Massachusetts were contacted and they sent down the palm and finger print card ,and the palm print came back to the same individual. He then stated that the problem is if he did not have the finger print to make the identification on the palm print that case would have fallen through and he explains this is just one that he was aware of. The point is that

there are a lot of identifications that are being missed. He then stated that it is unfortunate and that this problem has been going on for two years now. Mr. Zabinski then stated that it is unfortunate because the FBI invested a lot of money in NGI and now because of vendor issues it cannot be used, which is very frustrating. Lt. Grassel then inquired about doing a direct purchase from the AG's office to buy the equipment. Director Hilliard stated that this was discussed and agreed upon at the last meeting but that nothing has come forward such as if the equipment is here and ready to install, etc. Originally promises were made that the install would be in June or July of 2015, and now we are in October and nothing has been done. Director Hilliard then stated that on a positive note the RICH system is finally working on the desktop .

c. Search for Latent Print Examiner

Five candidates applied for the position. Four of the five individuals that applied for the position were interviewed. The fifth individual dropped out before the interview process began. JD Edwards was recommended for the position and he accepted. He started working on September 14, 2015. According the General Laws 12-1.2-6 a copy of which is enclosed in the packets, his appointment is subject to approval or disapproval by the RISL Commission. The Commission is now asked to approve the appointment of JD Edwards to the position of

Criminalist II. Colonel Randall made a motion, to approve, Clay Choquette seconded and all were in favor. Ed Downing will continue to work on a part time basis until the second week of December and hopefully by that time JD will be approved for supervised casework, etc.

As mentioned at the last meeting the legislative language “Limited Period Appointment” (State Law) may have reduced the potential pool of candidates since the position must be advertised that continuation of employment is subject to funding at the end of the fiscal year. Several attempts to change this language for the past three years has been unsuccessful. Director Hilliard then stated that he would like to ask the Commission for a letter to the Legislative House, Senate, as well as URI to change this language and eliminate the phrase “Limited Appointment”.

B. Space Allocation

There has been no further information provided for the Laboratory to take possession of the Fogarty Basement. At the last meeting which was held at URI, Commission members were given a tour of the Laboratory and showed the space which is available. There still has been no decision made by the University as to how much space will be given and who will be paying for the renovations.

a. Bullet Recovery Tank Issues

Efforts to relocate the Bullet Recovery Tank are moving slowly. The cost to bring the tank back to Fogarty Hall has been substantially reduced after considering downsizing the project to one

room. The surplus from FY2015 has been revised to \$7,446.00 and added to the FY2014 Byrne grant of \$16,589.00 should be sufficient funds for the project. Director Hilliard stated that he will continue to work with URI Facilities on this matter.

III. Funding

A. Budget FY 2015

a. State Appropriation

Within the packets there are several budget spreadsheets. At last meeting we talked about finalizing FY2015. Allocation was \$1,035,888.00 but was then reduced to \$1,032,220.00 by a reduction of \$3,688.00 due to expected savings in medical and vision expenses. This allocation was then reduced by another \$3,646.00 for an operational budget of \$1,028,574.00. The cost of the staff upgrade in FY2015 was \$60,758.00. Ending balance was \$50,902.00, but this includes the funds for the service contracts for two instruments – GC/MS which is \$18,224.00 and the FTIR which is \$25,232.00 leaving a balance of \$7,446.00 which is dedicated to the Bullet Recovery Tank relocation. 80% of the funds have been transferred to the FY2016 budget and the balance will be transferred this month.

Any questions on FY2015? None

B. Budget FY2016

a. FY2016 Appropriation Proposed Allocation

Spread sheets are enclosed. The allocation for FY2016 is \$1,072,892.00. This is less than we had requested. The spreadsheet allocation includes an expected COLA increase of 3% for all positions

and the grade increases for the staff. The request had included funding for a new UV/Vis Spectrophotometer for trace, but because of expenses and upgrade along with the

-5-

allocation being \$94,000.00 less than anticipated the purchase of this equipment is not allowed. The money was then reallocated within the budget providing money for any upgrades, renovations, and possibly the moving of the Bullet Recovery Tank.

Director Hilliard stated that he had the opportunity to meet with Representative Ray Gallison who is the Chair of the House Finance committee. This meeting was arranged through Chief Canario of the Bristol Police Department. Present at the meeting was Sharon Reynolds Ferland, and Stephanie Loven staff members of the House Finance Committee. At the meeting Director Hilliard stated that he talked about needing the additional funding and what equipment the laboratory was not able to buy because of the lack of funding. There was also discussion as to how the DOA Budget office had suggested that any equipment for the Laboratory should be purchased through the AG's office Google funds. It was explained that he had requested Google funds from the AG's office through the Commission but that no funds had been awarded. He then asked if that meant that no Google funds would be awarded to the Laboratory by the AG and Director Hilliard stated that he related that Deputy AG Coyne has

stated that Google funds may be available to the Laboratory at some time. Director Hilliard then stated that he followed up with a thank you to thank him for his time and consideration and then with a follow-up email inviting him and his staff to tour the Laboratory. There has been no response back from him.

Any questions on FY2016? – None.

C. FY 2017

a. The University has submitted FY2017 and also has projected FY2018 budget proposals to the Board for Education, Council on Postsecondary Education. They met last evening.

b. FY 2017 includes a 3% COLA for employees and requests funding for the UV/Vis-spectrophotometer , as well as funding for a new comparison Microscope. Both of these requests add up to a total of \$260,000.00. This prompted a member of the Board of Education to call Linda Barrett at the Budget office at URI questioning why so much was requested. The proposed budget for FY2017 is \$1,319,525.00 and proposed for FY 2018 is \$1,225,627.00.

Enclosed also in the packet is a list of the Postsecondary Education Council members in case any member of the Commission is contacted.

Any questions – Lt. Altimari then questioned the Board of Education Council of Postsecondary Education if they were questioning the Budget proposal. Director Hilliard then stated that they have asked questions from the URI Budget Office as to why there is such a large increase in equipment expenses. Hopefully this was provided to them by Linda Barrett.

D. Other Sources of Funding

a. Coverdell FY2014

Working on this grant which totals \$14,181.75. This has been used for training conferences for Laboratory personnel. This should be spent by the end of October. Total spent to date is \$12,115.00.

b. Coverdell FY2015

A preliminary request for Coverdell FY2015 has been submitted. There are four individual groups which share this grant. The estimate for this is \$14,333.75, which each entity should receive. This will continue to be used for training conferences for the Staff.

-6-

c. Byrne FY 2014

Amount awarded is \$16,589.00 which is dedicated to the Bullet Recovery Tank renovation project. None of this has been spent as of yet, but is expected to be spent by the end of December, when it ends.

d. Byrne FY2015

The request for these funds has been made of \$8,800.00, just waiting for approval from the Board which should be done by the end of October. This money will be used for upgrading the computers in the Laboratory particularly a 2003 Windows server which is no longer supported by Microsoft and should be upgraded as soon as possible.

This houses the LIMS system. Hopefully will be completed by the end of October, 2015.

e. Google Funds Request

Request has been made to the Attorney General and if this is granted the monies will be used for computer issues, and renovation costs for the Bullet Tank and Laboratory Expansion.

Any questions on funding? None

IV. OTHER BUSINESS

A. Support Letters on behalf of the Commission

a. Letter to RI Leadership regarding Limited Period Position Status of Laboratory Employees.

b. Letter to Local Police Departments concerning backlogged cases.

c. Letter to Federal Senators and Representatives in continued support of the Coverdell and Byrne Grants.

d. Letter RI House and Senate Leadership in support of requested FY2017 Budget Request.

B. Other Business

Director Hilliard brought to the meeting a copy of RI Monthly which featured an article on the RISCL. The article seemed to be well written about the work that is performed. The article is also available online should anyone be interested in reading. He also stated that he was featured on the Rhode Show.

The meeting was adjourned at 10:50 AM.

Minutes taken and transcribed by:

Monica Nason, Department of Attorney General