

STATE CRIME LABORATORY COMMISSION MEETING

THURSDAY JULY 9, 2015 @ 10:30 AM

UNIVERSITY OF RHODE ISLAND – FOGARTY HALL

3RD FLOOR CLAFIN CONFERENCE ROOM

41 LOWER COLLEGE ROAD

KINGSTON, RHODE ISLAND

In attendance were Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Colonel David Randall Scituate PD RI Police Chiefs Association Designee for Chief Tavares; Nancy Haley; Clay Choquette; Lt. John Grassel RISP; Robin Smith DOH.

I. INTRODUCTION

A. Welcome to Commission Members

Meeting was called to order by Gerald Coyne @10:50 AM. At the last meeting there was discussion regarding the reappointments of Commission members. Mr. Coyne stated that he had sent a letter to The Governor's office regarding the reappointment of Nancy Haley and Clay Choquette and also Chief Sullivan President of the Police Chiefs Association stated that he had sent a letter regarding his recommendation for Chief Randall to replace Chief Tavares. Last month Mr. Coyne called Director Hilliard to see if he had heard anything from the Governor's office and he had not. At that point Director Hilliard stated that he contacted the Governor's office and

spoke with Catherine Gering and she stated that she has no record of receiving any of these letters. Seeing it was late in the Legislative Session she also stated that nothing would be done. The Commission members will therefore, serve until either they are replaced or their reappointments have been approved. The letters therefore will have to be resubmitted for the next Legislative Session 2016. Mr. Coyne, then stated that he is leery about sending letters again as he is afraid they will get lost again. Director Hilliard stated that the letters should be sent to Catherine Gering directly. Mr. Coyne stated that he will resend, but send the letters closer to the time that the session will start. Director Hilliard stated that he will send Chief Sullivan an email to let him know that he also needs to resend his letter.

Director Hilliard then introduced his Staff members who were present at the meeting. Amy Duhaime, Jane Northup, Neil Clapperton, Karen Vallaro, and Mark Zabinski.

B. Approve Minutes of April 16, 2015.

Mr. Coyne asked to approve the minutes of the April 16, 2015 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.

II. LABORATORY STATUS

A. Laboratory Progress Report

a. January to June 2015

Enclosed in the packets, which were handed out prior to the meeting, there is copy of a letter which was sent to Chair AG Peter

Kilmartin which highlights what is in the six month report. There has been a decline in case submissions when compared to cases last year for the

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same period, as well as a decline in a number of the items which were submitted. This actually helped with the backlog. Crime is down in Rhode Island. The report also highlights what type of cases there have been increases in, which seems to be breaking and entering. The area where there has been the most number of declines has been firearms. The report shows the breakdown by cities/towns. It seems that there is more now coming in from the smaller towns and less is coming in from the cities. Laboratory personnel have presented 16 lectures and seminars over this period and Staff members attended 45 training programs both onsite and online. There were ten tours of the Laboratory and five interviews, one of which was in the newspaper on a gun issue. Another interview was on the Brown rape case which occurred this past spring on GHB. Staff members still hold appointments on National and Regional committees. Five staff members presented at the John J. Hardiman Memorial Educational Series which is sponsored by the Rhode Island Public Defenders Office and the Rhode Island Association of Criminal Defense Lawyers. Laboratory personnel assisted URI PD with test firing all of their service weapons and engraving them for their records. This allows them to have test fired cartridges and bullets for their use. The

report enclosed with the letter to AG Kilmartin breaks down the number of cases, types of cases A copy of this letter was also sent to Colonel O'Donnell.

As of June 30, 2015, there is a backlog of 104 firearm cases as opposed to 124 at the last meeting; 20 in Latent prints as opposed to 22; 6 tool marks which remains the same; and trace is at 39 verses 28. There have been some issues in trace with new instrumentation that was purchased; NIBIN has been reduced to 7 cases versus 24 last period. At a staff meeting held July 8, 2015, Director Hilliard stated that there were 0 cases in NIBIN. Director Hilliard stated that any cartridge cases that come down from Providence now are entered into NIBIN the next day and the report goes out within a couple of days. Mr. Coyne stated that they have been very complimentary with respect to this. At the last meeting there was discussion about contacting other Police Departments with old cases as was done with Providence to see if they would be willing to take back cases to review. Director Hilliard asked Mr. Coyne if that had been done and he replied that it had not but that he would take care of it. During the month of June the firearm tool mark section reported out 42 cases, latent prints reported 23 cases, trace 8 cases, and NIBIN reported 11 cases. The numbers have been consistent, except firearms are up about 12 cases over the previous month. They usually do 20-30 cases a month, but this month was a banner case. This could be due to Karen Vallaro having been approved doing case cartridge case comparisons. She was originally hired to do trace and tool marks and now she was trained in cartridge case comparisons. She passed the

proficiency test and now she is doing case work and her reports need to be signed by another Examiner for three to six month period of time.

b. AFIS Connectivity/Searches

There continues to be problems with searches which have been discussed at previous meetings. This should be resolved once the new AFIS equipment and upgrades are done. One improvement which was done was having the Laboratory now connected through the OSHEAN network to the URI PD RILETS connection. URI has picked up the cost for the routers. This was just a simple connection from their router to the system in the Laboratory. It seems to be a slight

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bit faster, but there is still old equipment. Director Hilliard stated that he received a call from both Chris Cotta and Ed Cabral at which time Chris Cotta informed Director Hilliard that RIAG will purchase only one new computer for the Laboratory and not the second of the two that were requested. If a second computer is needed the Laboratory would have to purchase this. The cost of this computer would be approximately \$3,000.00. When speaking with Ed Cabral he would like to have the AG's office purchase both computers and then bill RISCL for the second computer. This way the computers could be set up at the same time and brought down for installation. Director Hilliard

stated that he had spoken with John Grassel from RISP and he thinks that this might be the way to go for them as well. This way all the terminals would be processed at the RIAG's office and then be installed at the proper facility. Mr. Cabral also mentioned the maintenance contract on the computer which has been purchased by the Attorney General's office would now be the responsibility of the Laboratory. Mr. Coyne said that the maintenance contract will not be the responsibility of the Laboratory. Mr. Coyne stated that the computer maintenance contract which the AG is replacing will be covered by the AG's office. Director Hilliard then asked if it could be worked out that the AG's office could purchase the computers, and then have RISCL reimburse and pay for one of the computers. Lt. Grassel from RISP also stated that he had a similar request as this would only involve a transfer of money from one department to another. This way they can be tested at the AG's office and then everyone would be using the same hardware. Mr. Coyne then stated that he has heard that the line from the FBI would be coming up around July 25, 2015, but stated that he is not very confident as it has slipped by so many times. In conjunction with the AFIS System, Director Hilliard stated that they are still waiting for the new RICH system to be activated. Laboratory Staff received training on the new interface but it has not been activated for use. Mr. Coyne said this is the first he is hearing of this problem. He will check into this and let Director Hilliard know. A related issue concerns a server issue. Right now The Laboratory has a server that runs on Windows 2003 and this apparently will no longer be supported by Microsoft as of July 16,

2015. A new server therefore needs to be purchased for the LIMS BEAST program. The cost of the server is approximately \$3,000.00 and the cost of the transition would be a cost of approximately \$2,000.00 bringing the total cost up to \$5,000.00.

c. Search for Latent Print Examiner

As discussed at the last meeting Ed Downing has retired. A search for a new candidate was started back in March, 2015. Advertising was started in May, 2015, and the application period ended on June 24, 2015. There were five candidates who applied for the position. The Search Committee reviewed the applicants and it was decided to interview all five candidates. Two candidates are local, one is from Arizona, one from Eastern Connecticut, and one is from Missouri. Permission was requested from URI AA office and they had requested a Rubric. Jane created this and it was sent to the AA office. As of this date they are still reviewing the Rubric. Once approval is granted it is hopeful to interview these candidates in July, so that a decision can be made by the end of July and the new candidate will be able to start sometime in August or September. Ed Downing will continue to work as a part time consultant until the new examiner can be hired and qualified as a competent examiner through proficiency testing and knowledge of the system in the Laboratory. Director Hilliard then stated that he believes that there were only

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five candidates was due to the limited period appointment which has

to be added to the job advertisement. This has been mentioned to The Commission on several occasions, and also the General Assembly, but this was still not removed. Director Hilliard then asked if a letter from the Commission to the House Leader, Senate, and URI could be done to eliminate this language. Mr. Coyne then asked if a letter had not already been sent to URI. Director Hilliard stated that there had been one done in previous years, but that issue still existed. Mr. Coyne stated that he would write another letter.

B. Space Allocation

In the packet a floor plan of the basement at Fogarty Hall is enclosed. Director Hilliard explained the space which is occupied by Laboratory Personnel in the basement. The University administration still needs to affirm the commitment of the entire Fogarty basement to the Laboratory for future expansion, and also if URI will fund the renovations or if The Laboratory needs to find funding. There has been no further discussion of a URI Public Safety Building or the establishment of a central laboratory at the Pastore Center in Cranston. Mr. Coyne then explained that he has looked at the space at Pastore and that the space is much more limited than what was discussed. Future consideration needs to be given to how the necessary renovations and move will be funded.

a. Bullet Recovery Tank Issues

The cost to bring the Bullet Recovery Tank back to Fogarty Hall has escalated beyond the expectations and there are ongoing discussions for the University to absorb some costs for the project.

The total estimate is now \$107,000.00 which is more than was budgeted for. At the last meeting it was discussed that the allowed budgeted amount was approximately \$70,000.00. The surplus from FY2015 has been revised to \$20,000.00 and added to the FY2014 Byrne grant monies (\$16,589.00) brings the total amount to approximately \$37,000.00. Talks have been now to scaling back and putting the tank only in Room 45 which is a narrow room and adjoins the firearms laboratory area. This would cut down on the number of ballistic panels that the University wants to put up. To cover Rooms 45, 46, and 47 would be approximately \$90,000.00. If this is scaled down and use only the one room then the cost would be less. The examiners have looked over the space for the one room and feel that this would be acceptable. They would like the bigger space if available, but the costs are too much. The space will be shown during the tour at the end of the meeting. Any questions? Lt. Grassel asked a question regarding the difficulty in hiring a LP Examiner he wanted to know if the surrounding states had the same system as Rhode Island does. Director Hilliard stated that they do not have Limited Period Appointments. Lt. Grassel then asked if any of the New England States had this. Director Hilliard stated that this came into play many years to protect the University, as the monies were coming from the AG's office or the DOH and not from the University. He then explained that as the monies were coming directly to the University there should be no reason to have a limited period appointment.

III. Funding

A. Budget FY 2015

a. State Appropriation

In the packets the expenditures to July 30, 2015, Budget Sheets are provided. FY2015 budget allocation was \$1,035,888.00 which was reduced to \$1,032,220.00, a reduction of \$3,688.00 due to expected savings in medical and vision expenses. Based on the Governor's Budget report to the General Assembly the budget was then reduced by another \$3,646.00. This reduction is not reflected in the URI Financials, but has been verified. Rollover funds from FY2014 made the final FY2015 budget \$1,107,749.00. Due to service contract payments and salary adjustments right now the expected surplus is expected to be only \$20,000.00. This amount will be used for the bullet recovery move and renovations. More accurate numbers can be provided at the next Commission meeting.

b. Professional Staff Salary Adjustment

The pay grade increases were put through based on conversations with DOA Gregg Stack and House Finance Subcommittee Chair Robert Jacquard. Adjustments are retroactive to July, 2014, or approximately \$66,000.00 in FY2015. The staff did receive their retroactive pay in their last paycheck.

B. Budget FY2016 Proposal

The initial request was \$1,167,355.00 and the allocation for FY2016 is \$1,072,892.00. Even though it was suggested to the Legislature at both House and Senate Hearings to increase that number, unfortunately the number was not increased. Spreadsheet allocation includes an expected COLA increase of 3% for all positions and the grade increases for staff. This allocation negates the anticipated purchase of the UV/Vis Spectrophotometer and renovation expenses. Director Hilliard stated that there may be a need for a letter from The Commission to ask for additional funding.

C. Other Sources of Funding

a. Coverdell FY2014

The Laboratory was awarded \$14,181.75 which is to be used for training conferences: AAFS, AFTE, ASCLD, IAI, AFQAM. The grant is extended to October, 2015. Expenders to date are \$5,288.00.

b. Coverdell FY2015

This is in process.

c. Byrne FY 2014

The total amount awarded from this grant is \$16,589.00, which is to be used for the Bullet Recovery Tank renovation project. There are no expenses to date and the grant is extended to December, 2015.

d. Byrne FY2015

The request for these funds will be made this month.

e. Google Funds Request

Request has been made to Attorney General Kilmartin for funds which will be used for computer issues, renovation costs for the Bullet Tank and Laboratory expenses.

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IV. OTHER BUSINESS

A. Federal Initiatives on Forensic Science

a. ASCLD Advocacy Committee

Keeping abreast of legislation and recommendations for improving the field of forensic science; this includes both federal and state initiatives. US Congressional legislative initiatives are stalled. Texas initiative of licensing forensic scientists to work and testify in state courts; the RI Governor's Working Group to Improve Criminal Justice System, suggesting that Forensic be included in the group's scope.

b. Letters of Support for Coverdell and Byrne Grand Funding from Commission were requested.

c. NIST OSAC continues its progress with conference calls and a general meeting to be held January, 2016.

D. Other Business

Director Hilliard stated that there will be an article in RI Monthly on himself as Director of the Laboratory. Also, an interview with Director Hilliard was published on line in the Elite Investigative Journal.

The meeting was adjourned at 11:30 AM. Commission members then were given a tour of the facility.

Minutes taken and transcribed by:

Monica Nason, Department of Attorney