

January 23, 2024

Rossana Rosado
Commissioner
New York State Division of Criminal Justice Services
Alfred E. Smith State Office Building
80 South Swan Street
Albany, New York 12210

Re: NYSIG 0785-204-2023

Dear Commissioner Rosado:

By letter dated March 6, 2023, the New York State Commission on Forensic Science (Forensic Commission) referred to the Office of the New York State Inspector General a complaint alleging misconduct within the Niagara County Sheriff's Office Forensic Laboratory (Niagara Sheriff's Laboratory) for review and if appropriate, investigation. The complaint, made by a former employee of the laboratory, voiced concerns regarding the laboratory director's "honesty and accuracy" in her discussions with the Forensic Commission, placement of inexperienced employees in certain positions in the laboratory, the authenticity of certain training records, a failure to address safety concerns, and the treatment of laboratory staff, among other issues.

Pursuant to the mandates of the federal Paul Coverdell Forensic Science Improvement Grants Program (see, 34 U.S.C. section 10562), New York State has designated the Office of the New York State Inspector General as the government entity responsible for conducting independent external investigations into "allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results" committed by employees or contractors of public New York State forensic laboratories. However, the allegations referred to the Inspector General regarding the Niagara Sheriff's Laboratory included issues related to internal personnel matters and/or environmental safety. These allegations are not, on their face, within the scope of our delegated authority.

On March 16, 2023, the Forensic Commission issued a notice of violation to the Niagara Sheriff's Laboratory, and on April 20, 2023, the Forensic Commission conducted a hearing as to the issues set forth in the complaint. At that hearing, the Forensic Commission questioned numerous witnesses including the laboratory's director, other laboratory employees and representatives, an ANSI National Accreditation Board (ANAB) representative, and other relevant witnesses. The ANAB representative advised the Forensic Commission at that time that ANAB was in the process of reviewing the

laboratory including investigating the issues raised in the notice of violation. Accordingly, no decision was rendered at the conclusion of the hearing. The Forensic Commission voted to develop a working group to make recommendations as to appropriate reforms and/or sanctions for the Niagara Sheriff's Laboratory. This report was due at the Forensic Commission's next meeting on June 9, 2023.

In the interim, the Forensic Commission working group reviewed the allegations and developed recommended reforms to address and remediate the issues at the laboratory. These recommendations were adopted by the Forensic Commission on June 9, 2023, and thereafter by the Niagara Sheriff's Laboratory. In addition, on June 23, 2023, ANAB completed its review of the laboratory and issued a report, which outlined its findings, substantiated some issues, and unsubstantiated others. The substantiated findings were addressed by the reforms previously adopted by the Forensic Commission and Niagara Sheriff's Laboratory.

Given that the issues and concerns raised in the March 6, 2023, complaint to the Inspector General's office and the March 16, 2023, notice of violation have been addressed by the Forensic Commission, ANAB, and the Niagara Sheriff's Laboratory, the Inspector General will close its investigation of this matter. Should the Forensic Commission find that there are outstanding or new allegations that fall within our Coverdell appointment, we remain available to address them.

If you require further information, please contact Deputy Inspector General [REDACTED] at 716.847.7118.

Sincerely,



Lucy Lang
Inspector General

cc: Colleen M. Glavin, Esq.
Counsel and Deputy Commissioner