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*****FOR IMMEDIATE RELEASE*****

Despite Promises To Expunge Profiles, City Continues To Add Innocent New Yorkers To Local DNA Index

Legal Aid Calls On Lawmakers To Enact Legislation Immediately To Abolish Rogue Database

(NEW YORK, NY) – The Legal Aid Society calls on lawmakers to act after learning that the New York City Police Department (NYPD) is [continuing to add DNA from New Yorkers](#) who are merely arrested or questioned, including children, to the City’s controversial DNA databank. During a City Council oversight hearing this past February, the NYPD testified that the database maintained by the New York City Office of the Chief Medical Examiner (OCME) contained “approximately 32,000” profiles. Police promised to take steps to reduce that number by removing people who have never been charged or convicted of a crime. But according to information obtained by the Legal Aid Society, as of May of this year, the OCME has 33,825 of these potentially innocent New Yorkers in its local DNA databank.

In [February](#), the NYPD [promised](#) it would remove from the ballooning City DNA index people who have not been convicted of any crime, while also cutting down on the genetic stop-and-frisk tactics that ensnared them in the first place. Testifying in front of City Council, top cops claimed the Department would create strict guidelines for the collection of DNA from children, and change their strong-arm practices for collecting “consent” samples to let people know they have the right to refuse. During the hearing, NYPD officials admitted that at least 5% of the DNA in OCME’s index came from children, and also said that a portion of that DNA was collected surreptitiously or without parental consent.

“Instead of taking even the most basic steps to reduce the number of people whose DNA the City is wrongfully testing and indexing, the police apparently are just ensnaring more New Yorkers. Genetic stop-and-frisk already undermines community trust, and growing the DNA databank after promising to reduce it just ruptures it more. Lawmakers should act immediately to reign in the NYPD’s rampant DNA collection and shut down the City’s rogue DNA identification index,” said **Terri Rosenblatt, Supervising Attorney of The Legal Aid Society’s DNA Unit.**

Last summer, [reporting](#) in the New York Times revealed that OCME's unregulated DNA database had swelled to its DNA database to 82,473 samples, almost a 19,000 increase since [July of 2017](#). Of that 31,400 came from people who were arrested, or merely questioned. This database includes samples provided by the New York City Police Department (NYPD) and extracted from crime scenes and voluntary swabs. It also, however, includes samples from people who have not been charged with or convicted of crimes. Many of these samples were [surreptitiously obtained in precinct interrogation rooms](#) from cells left on a water bottles or cigarettes, and DNA samples obtained during the [2015 Howard Beach DNA dragnet](#).

State law prohibits DNA indexing of children and people who have not been convicted of a crime. OCME's local DNA index is not authorized by any laws or regulations. Instead, the City operates it because it claims that the State DNA laws are vague enough to permit it. A bill pending in Albany (S6009/A7878) (Hoylman/Wright) would clarify the law to make clear that local governments cannot run their own shadow DNA indexes that contain innocent people and children.

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