



NYC
**Office of Chief
Medical Examiner**

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Terri Rosenblatt, Esq.
Supervising Attorney, DNA Unit
Legal Aid Society
New York County Criminal Defense Office
49 Thomas Street
New York, NY 10013

Via email to TRosenblatt@legal-aid.org

Dear Ms. Rosenblatt,

I am responding to your letter of August 14, 2020 to Mayor de Blasio and to me.

As an initial matter, I assure you that the Office of Chief Medical Examiner (OCME) is committed to transparency about the critically important work that we do with relation to the criminal justice system in the City of New York; indeed, we already share a great deal of information with our partners and customers. And, as I discuss further below, we are fully prepared to share additional information that is in our possession.

As I pledged at the City Council hearing this past February, the OCME is removing profiles from the suspect index of our Local DNA Index System (LDIS) once the New York City Police Department (NYPD) identifies the profiles to remove. OCME provided NYPD with a list of the approximately 20,000 names in our LDIS Subject Index on March 9, 2020, just prior to the current health pandemic. Over the summer, the NYPD has worked diligently to review this list and has identified profiles for removal. As committed by the NYPD at that Council hearing, the NYPD will be publicly posting the current results of this review shortly, with various data points, as well as the number of profiles recommended for removal. We are removing those profiles from our suspect index; since that process takes time to complete, we are also ensuring that no names on those lists are matched or reported as hits, even if the profile has not yet been removed from LDIS.

Additionally, as promised at the Council hearing, we are responding promptly to requests from individuals or their attorneys to inform them if their profile is in the database. Of the 22 requests we have so far received and responded to, only three individuals had profiles in the database.

As you are aware, the number of profiles in the LDIS suspect index changes continually, with the addition of new suspect profiles and the removal of others. We do not have data about the demographics of those individuals whose profiles are in our LDIS; in New York City, the NYPD and the prosecutors' offices have various components of that information. By contrast, New York State's and other State forensic laboratories are able to post demographic information about their DNA databases, as you mention in your letter, because most or all of those state labs are run by law enforcement; in New York, as you well know, the State laboratory is the New York State Police forensic laboratory. OCME is and remains independent of local law enforcement, including the NYPD and the various prosecutors' offices in the City.

As I noted above, transparency is important to OCME, which is why we work to fulfill every FOIL request in a timely manner. I ask you to remember that 75% of our counsel's office staff, including one of the agency's two Records Access Officers, were redeployed to other, specifically COVID-related functions, as were nearly all the criminalists who would otherwise have been available to respond to laboratory-related FOIL inquiries. Likewise, our entire Information Technology Department was working around the clock to maintain the connectivity and technology critically needed for OCME activities relating to the unprecedented surge in deaths in New York City.

Those of us who are working at the OCME do take seriously our motto of "Science Serving Justice" – every day – and we appreciate your asking us directly to obtain accurate information about what is actually happening in our forensic laboratories.

Sincerely,

A handwritten signature in black ink that reads "Barbara A. Sampson". The signature is written in a cursive, flowing style.

Barbara A. Sampson , M.D. Ph.D.
Chief Medical Examiner