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December 19, 2022

Mayor Eric Adams  
Office of the Mayor of New York City  
c/o Chief Counsel Brendan McGuire  
City Hall  
New York, NY 10007  
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**Re: Destruction of DNA in Evidence Center Fire**

Dear Mayor Adams,

We were dismayed to learn of the loss of important DNA evidence in the fire that affected the New York City Police Department's (NYPD) evidence center at Erie Basin Auto Pound in Brooklyn, New York on December 13, 2022. Since the first DNA exoneration in 1989, preservation of biological evidence has proved critical in righting wrongful convictions. The recent fire in Red Hook extinguished the hopes of scores of people who were eagerly awaiting DNA testing to exonerate them. This loss of critical evidence has far-reaching consequences for New Yorkers.

We recognize that this is an evolving situation, and we expect there will be an investigation in the coming weeks about precisely what evidence was lost and what cases the fire impacted. When this happens, we ask the Mayor's office, in conjunction with the NYPD and New York's District Attorneys, to:

- produce a list of evidence that was affected in the fire, whether any usable biological evidence remains, and the names of the cases impacted;
- promptly share this information directly with impacted defendants and their counsel, regardless of case status; and
- inform the public of the scope of cases impacted by sharing de-identified data about the number of cases impacted and their present case status.

We also urge your Office to convene key criminal justice stakeholders - including local public defender organizations and wrongful conviction providers - to develop concrete solutions to ensure that wrongfully convicted citizens have access to justice. Furthermore, we call upon the NYPD and prosecutors' offices to develop and publish a plan of action, in consultation with the City's conviction integrity units, to ensure that the accused and wrongfully convicted are not punished for the loss of this evidence.

In accordance with Criminal Procedure Law § 245.80(1)(b), we call upon prosecutors' offices to proactively identify potential remedies that are proportionate to the ways in which this evidence may have been helpful for the accused and wrongfully convicted. Moreover, we strongly request that the NYPD review and revise as

necessary protocols for the storage of biological evidence in order to provide for its proper preservation in the future to prevent destruction, as well as the implementation of a robust evidence control and tracking system.

Sincerely,

/s/ *David Loftis*

**David Loftis**

Attorney-in-Charge

Post Conviction & Forensic Litigation

The Legal Aid Society

Cc:

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