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

Defenders and Advocates Demand Answers from the City on Brooklyn Warehouse Fire that Destroyed Critical Evidence, Impacting Pending Criminal and Exoneration Cases

Months after a fire destroyed evidence critical to multiple ongoing cases, little has been said about how the City will address the issue

(NEW YORK, NY) – **Public defenders and advocates**, in two recently [issued letters](#), called on Mayor Eric Adams, the New York Police Department (NYPD) and New York City’s District Attorneys to address the fallout from the December 13, 2022, fire at an NYPD warehouse in Brooklyn that destroyed scores of vital evidence, endangering multiple pending criminal and exoneration cases.

Three months later, neither the Mayor, NYPD, nor the District Attorneys’ offices have responded to The Legal Aid Society’s [request](#) for clarification on the extent of this destruction of evidence. The fire resulted in the loss of critical physical and DNA evidence, some going as far back as 30 years, and will have far-reaching consequences for the ability of public defenders and post-conviction litigators to provide justice for their clients, some of whom are relying on DNA testing to prove their innocence.

In March, nearly a dozen New York City defense service providers joined the call for answers from the City. In a joint letter to the City, they state: “As advocates for the accused and wrongfully convicted, we are deeply troubled to learn of the loss of important physical and DNA evidence, and fear that the fire may have a disastrous impact on our clients’ past and present cases as well as NYPD’s cold cases.”

Advocates urged the City to release a plan of action detailing how they will ensure that impacted defendants receive equal access to justice absent the now-destroyed evidence, and to share this plan with defendants and their counsel immediately to guarantee that no person’s right to a fair trial is jeopardized.

The defense service providers also called on Mayor Adams to promptly convene with key criminal justice stakeholders including local public defender organizations and wrongful conviction providers to deliver this plan and provide answers for all New Yorkers.

“The New Yorkers impacted by the Brooklyn warehouse fire deserve answers regarding how City Hall is going to address the potential harm this event could pose to all cases,” said **Jenny S. Cheung, supervising attorney of the DNA Unit at The Legal Aid Society**. “No one’s personal freedom should be put at risk because of this incident. There needs to be a coordinated effort by the City to ensure that the accused and wrongfully convicted are not punished for this accident — anything less would be an egregious miscarriage of justice.”

“While New York State has a patchwork of policies seeking to guide the proper retention of biological evidence, stunningly the Empire State lags behind the rest of the nation in establishing the requirement that biological evidence - for the purposes of settling postconviction claims of innocence and solving cold cases - be preserved by statute. It is high time New York established rigorous standards - through law - for the retention of evidence, which would also dictate remedies for people convicted of crimes when evidence is lost or destroyed,” said **Rebecca Brown, director of policy with the Innocence Project**.

“For years, defenders and other advocates urged the City and NYPD to move critical biological evidence out of the Brooklyn warehouse that burned down three months ago. Now, with thousands of New Yorkers' futures and freedom imperiled by the potential destruction of crucial evidence, the City and NYPD must answer how much has been saved or lost. Continued silence is unacceptable. New York City can, and must, do better,” said **Ann Mathews, managing director of the Criminal Defense Practice at The Bronx Defenders**.

“The City’s continued silence on the consequences of the fire at the NYPD Erie Basin Evidence Center is an injustice. Our clients and their families need answers. New Yorkers with cases currently pending trial have received no notice of whether this fire affected their cases. This includes those with cases where forensic samples were collected in the relevant time period. If left unaddressed, this loss of evidence will undermine the rights and freedom of countless New Yorkers. New York City must address this crisis with urgency and transparency,” said **Elizabeth Daniel Vasquez, director of the Science and Surveillance Project at Brooklyn Defenders**.

“We are appalled at both the lack of urgency and lack of coordinated response from City Hall, the NYPD and the City’s District Attorneys to address the fire at the NYPD Erie Basin Evidence Center that destroyed untold volumes of criminal evidence in December 2022. Months have gone by, and despite consistent demands and inquiries from the NYC public defender offices, the City has failed to publish any information or develop any plan of action. This massive destruction of evidence potentially affects thousands of New Yorkers whose criminal cases are being appealed or in the process of litigating wrongful conviction claims. These individuals deserve a complete accounting of the evidence that was lost, as well as robust remedial plans to ensure that justice is delivered in their cases,” said **Mariah Martinez, DNA & forensics unit specialist at New York County Defender Services**.

“City officials need to answer for the loss of critical biological evidence destroyed in the December 2022 Brooklyn warehouse fire,” said **Lori Zeno, executive director of Queens Defenders**. “The Adams administration has a responsibility to protect the rights of New Yorkers currently facing criminal charges whose cases may be negatively impacted by this catastrophe. Further, the City must present a clear, thoughtful plan that will ensure equal justice for defendants who now must face their charges without potentially exonerating evidence.”

“The loss of biological evidence has rippling implications throughout the criminal legal process, including criminal appeals and collateral proceedings. Not only do impacted individuals deserve an accounting of the evidence that was lost in the fire at the NYPD Erie Basin Evidence Center, but also New York State must enact legislation establishing standards for the preservation of biological evidence. The lack of communication and action speaks volumes as to the diminished value placed on providing access to equal justice to New Yorkers who are experiencing poverty. This undervaluing of human life and dignity of some members of society must end. We look forward to the opportunity to meaningful collaborate in seeking redress on behalf of thousands of impacted individuals,” said **Caprice R. Jenerson, president and attorney-in-charge of the Office of the Appellate Defender (OAD).**

“For those wrongfully convicted, biologic evidence---over which the state exercises unfettered control---often presents the best, if not only, opportunity to prove their innocence. Despite its importance, New York City has repeatedly and appallingly failed to safeguard this vital evidence. NYPD apparently learned nothing from the loss of vital biologic evidence from Superstorm Sandy flooding and the litigation that followed. December’s Erie Basin Warehouse fire did not need to happen. Now that it has, the public deserves a full and transparent accounting of what was lost, what changes will be made to avoid future losses, and what remedy will be afforded those affected, ensuring that the government’s tragic failures will not foreclose the only means to prove their wrongful convictions,” said **Mark Zeno, deputy director, Center for Appellate Litigation.**

“The loss of biological evidence has staggering consequences in criminal cases, both on appeal and in collateral proceedings, and particularly for those wrongfully convicted. The public is entitled to a full accounting of what was lost in the Erie Basin Warehouse fire, what concrete changes New York City will make to prevent this from happening again, and what specific remedies will be made available to those directly affected,” said **Patricia Pazner, attorney-in-charge, Appellate Advocates.**

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