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

Public and Appellate Defenders Call on NYC District Attorneys for a Full, Transparent and Independent Audit of the NYPD Latent Print Section

Attorneys Demand Answers on the NYPD's Delayed Notification of Fingerprint Misidentification that May Have Contributed to Wrongful Convictions and Due Process Violations

(NEW YORK, NY) - The Legal Aid Society, Appellate Advocates, The Bronx Defenders, Brooklyn Defender Services, Center for Appellate Litigation, Innocence Project of New York, Neighborhood Defender Service of Harlem, New York County Defender Services, Office of the Appellate Defender, Queens Defenders released a [letter](#) sent to all five New York City district attorneys [calling](#) for a full, transparent, and independent audit of the New York City Police Department's (NYPD) Latent Print Section. The groups also called for a comprehensive list of all cases in which evidence was either examined or verified by the fingerprint examiners involved in the [erroneous fingerprint analysis back in 2015](#).

The joint defender and advocate letter comes in response to a near-decade delay by the NYPD's Latent Print Section to formally disclose that one of its fingerprint examiners erroneously matched an individual's fingerprint to a crime-scene fingerprint back in 2015 while two other examiners verified the misidentification.

Indeed, the NYPD's disclosure in a [letter](#) dated July 13, 2023, is addressed only to prosecutors. Local DAs attempted to notify affected defendants, but the NYPD's July 13, 2023 letter failed to identify which cases were affected by this misidentification event or the extent of the error's impact on the operation and reliability of the Latent Print Unit.

Defenders and advocates expressed deep concerns about the lack of transparency surrounding the fingerprint misidentification, which undermines the criminal legal system and the constitutional due process rights and right to a fair trial of the accused. Of particular concern is one of the examiners who verified the erroneous identification went on to become a trainer for the NYPD Latent Print Section and [provided misleading testimony in at least two trials](#).

“The NYPD’s disclosure letter reveals next to nothing about how this misidentification may have negatively impacted any number of our client’s cases,” said **Jenny S. Cheung, Supervising Attorney of the DNA Unit at The Legal Aid Society**. “It is unacceptable that even one client would have their right to a fair trial jeopardized as a result of the lack of disclosure of all pertinent case-related information to defendants and their counsel. We ask the DA’s Office to provide answers to the litany of questions raised by this disclosure letter, and promptly make all information available to attorneys and their clients.”

“Every person has the right to a fair trial where they are presumed innocent until proven guilty,” said **Lori Zeno, Executive Director & Founder of Queens Defenders**. “The NYPD’s delay in identifying and sharing information related to cases where examiner error led to misidentification or tainting of a police investigation is deeply disturbing and undermines the integrity of the legal system. Further, the allegations of pervasive laboratory failures and cheating on OCME exams suggests a broken forensic collection system that cannot be relied upon to determine the outcome of an individual’s case. We are calling on the NYPD to immediately provide details of affected cases so that any miscarriages of justice can be expeditiously remedied. Queens Defenders is committed to defending and protecting all our clients who may have been impacted by these unjust systems and processes.”

“New York State is third in the country in wrongful convictions, and it is incidents like this belated disclosure of a 2015 latent print misidentification that demonstrate why,” said **Mariah Martinez, DNA & Forensics Unit Attorney at New York County Defender Services**. “City District Attorneys must do better to mitigate and prevent wrongful convictions, starting by disclosing all of the cases that involved Detectives Joe Martinez, Gerald Rex, or Edward Sanabria, as required by the U.S. Constitution. This information potentially affects thousands of clients who these officers were associated with and raises the deeply concerning possibility of a wrongful conviction. Our clients deserve a complete accounting of process being used to evaluate each and every one of these cases to ensure that justice is delivered.”

“These recent disclosures show once again that NYC’s criminal legal system is optimized for securing convictions, not doing justice,” said **Mark Zeno, Deputy Director at the Center for Appellate Litigation**. “The means for determining who may have been unjustly convicted due to these chronic systemic failures within NYC’s law-enforcement apparatus are entirely within the government’s control, yet NYPD and the District Attorneys’ Offices have refused to identify those persons who may to-this-day be wrongfully incarcerated due to these failures. Our clients---and New York’s citizens---deserve better.”

“As defenders we are deeply concerned about the lack of transparency and failure to provide complete information. New Yorker’s deserve a more accountable criminal legal system that does not shield unjust results from correction. The behavior of the New York District Attorney’s office and the NYPD severely undermines the administration of justice. We join the call for a full, transparent, and independent audit of the New York City Police Department’s (NYPD) Latent Print Section,” said **Caprice Jenerson, President & Attorney-in-Charge of Office of the Appellate Defender**.

“When similar forensic laboratory errors occurred in other cities, such as Washington, D.C. or Houston, their departments engaged in rigorous, independent audits of their laboratories, allowing them to identify and correct systemic problems, ameliorating past failures of justice and preventing future harms,” said **Elizabeth Daniel Vasquez, Director of the Science and Surveillance Project at Brooklyn Defenders**. “In New York, eight years of secrecy and avoidance of accountability has allowed the problems within NYPD’s forensic lab to fester. After so much time, we, as defenders, are unable to identify the many cases and people impacted by this misidentification event and other scientific failures or misconduct emanating from it. The people of New York City deserve transparency, accountability, and scientific rigor. In this case, sunlight is truly the best disinfectant.”

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>