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Date:                    April 13, 2018 (Revised 4/24/18)

To:                      DNA Liaisons of:
                         New York County District Attorney's Office
                         Kings County District Attorney's Office
                         Queens County District Attorney's Office
                         Bronx County District Attorney's Office
                         Richmond County District Attorney's Office
                         Family Court Division of New York City Law Department
                         Office of the Special Narcotics Prosecutor for the City of New York
                         New York Police Department
                         Department of Forensic Biology

From:                    Timothy D. Kupferschmid, Director

MEMO 2018-001            Revision B: OCME DNA Firearms Acceptance Policy

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This memorandum replaced MEMO 2016-001a "Revision A: OCME DNA Firearms Acceptance Policy." This memorandum describes the current policy of the OCME Forensic Biology Department relating to the acceptance of swabs from firearms.  The major change is that firearms recovered on the person (so called waistband guns) are accepted on a regular basis – and have been for over a year.

I.   **Firearms related to Homicides, Felony Assaults and Reckless Endangerment**

1) The NYPD's Forensic Investigations Division – Liaison Unit (FID LU) will forward firearm swabs related to homicides, felonious assault or reckless endangerments to the Department of Forensic Biology for testing.
2) These firearm swabs will be accepted for testing without requiring any other customer request.

## II. Firearms related to Criminal Possession of a Weapon (CPW) Charges

**A) Firearms seized from a crime scene (e.g., search warrants, inside a bag in a building, inside a car, in an alleyway, "chuck and run" with arrest, from a waistband, etc.):**

1) NYPD's Forensic Investigations Division – Liaison Unit (FID LU) will not forward firearm swabs related to CPW to the Department of Forensic Biology for testing. Such samples are held by the NYPD.
2) These swabs will be tested at the request of the NYPD or the District Attorney's Office as long as the case is active. If request is made by the assigned Assistant District Attorney, or assigned Assistant U.S. Attorney, they shall email the FID LU at FIDLiaisonUnit@NYPD.org. The email will be accepted as a good faith promise that a DNA exemplar will be collected from each person arrested in connection with the case, provided there are DNA results obtained from the firearm swabs that are suitable for comparison.
3) The email **must** include the following:
   - Property Clerk's Invoice number (voucher) of firearms DNA swabs
   - NYPD complaint number
   - ADA's full name, office number and email address
   - Defendant's name that the comparison needs to be made
   - Indictment number and/or arrest number, if applicable

These firearm swabs will not require any other customer request in order for the swabs to be accepted for testing.

**B) Found Firearms (no suspect under arrest, including "chuck and run" with no arrest):**

1) The NYPD's Forensic Investigations Division – Liaison Unit (FID LU) will not forward firearm swabs related to CPW to the Department of Forensic Biology for testing. Such samples are held by the NYPD.
2) Testing of swabs from found firearms will be accepted for testing if the firearm is linked by firearms comparison to another offense. If the firearm is linked by firearms comparison to another offense, the NYPD, Assistant District Attorney or Assistant United States Attorney may request testing of the swabs as long as the case is active.
3) When an arrest is made, or when a crime is linked to an individual, a request must be made by the assigned Assistant District Attorney or assigned Assistant U.S. Attorney, via email to the FID LU at FIDLiaisonUnit@NYPD.org. The email will be accepted as a good faith promise that a DNA exemplar will be collected from each person arrested in connection with the case, provided there are DNA results obtained from the firearm swabs that are suitable for comparison.
   The email **must** include the following:
   - Property Clerk's Invoice number (voucher) of firearms DNA swabs

- NYPD complaint number
- ADA's full name, office number and email address

These firearm swabs will not require any other customer request in order for the swabs to be accepted for testing.