



NYC
**Office of Chief
Medical Examiner**

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To: District Attorney Offices – Bronx County, Kings County, New York County, Richmond County, and Queens County

Family Court Division, NYC Law Department

NYC Office of the Special Narcotics Prosecutor

Forensic Investigation Division, NYPD

U.S. District Courts – Southern District of New York and Eastern District of New York

NYC Mayor's Office of Criminal Justice

Date: March 16, 2022

RE: Re-Testing Policy

The Department of Forensic Biology utilizes up-to-date and cutting-edge methodologies that are widely accepted in the Forensic Biology community. Advancements to testing procedures sometimes prompts the request for the re-testing of previously tested samples.

Requests for re-testing of items/samples from major violent felonies (homicide, sexual assault, felonious assault, and robberies) will be considered after an OCME Sample Retesting Request Form is completed and submitted via email to DNASignInTeam@ocme.nyc.gov.

The following examples can be considered for re-testing:

- Previously tested sample which was deemed not suitable for comparison.

The following types will not be considered for re-testing:

- Previously tested sample which yielded conclusive results and interpretations were made.
- Items/samples from crime types not listed above.

The process for the acceptance of re-testing shall be:

- Requests must be made by the DNA liaisons of the DAO or the NYPD FID Unit. All relevant fields of the OCME Sample Retesting Request Form must be completed.
- Include reasons for re-testing, which may include level of violence, flight risk of subject, serial nature of a case(s), etc.
- The Forensic Biology DNA Liaison and appropriate DNA Technical Leader will evaluate the request based on scientific merits and each case will be evaluated on a case-by-case basis. They will make their recommendation whether to re-test to the Laboratory Director.
- An acceptance or rejection email will be sent to the requesting party stating whether the request for additional testing will be accepted and processed by the Forensic Biology Department. The content of the email sent to the requestor will be saved in the communication log of the case record.
- These will not be accepted as priorities.