



Division of Criminal
Justice Services

Accreditation Guide for Public Forensic and Toxicology Laboratories



This guide is designed to provide an overview of New York State's mandatory accreditation program for forensic science and forensic toxicology laboratories that are publicly funded and operated by state and local governments.



Understanding accreditation starts with understanding state Executive Law Article 49-B Section 995 and Title 9 of New York Codes, Rules and Regulations Subtitle U Chapter VIII (Forensic Services), which support Executive Law.

Executive Law Article 49-B Section 995

- Enacted in 1994
- Established the Commission on Forensic Science, its DNA Subcommittee, the state DNA Databank and a mandatory program of accreditation for publicly funded and operated forensic laboratories
- Outlined the powers and duties of the Commission and Subcommittee in establishing the accreditation program
- Created the Office of Forensic Services (OFS) with the state Division of Criminal Justice Services (DCJS)

9 NYCRR Parts 6190 through 6193

- Details the state's mandatory accreditation program for publicly funded and operated forensic and toxicology laboratories
- Outlines the state's DNA Databank
- Details the role of the DCJS OFS

The Office of Forensic Services has two main functional areas:

Laboratory Accreditation

- Serves as administrative arm of the Commission on Forensic Science and its DNA Subcommittee
- Facilitates initiatives that increase the efficiency and effectiveness of accredited laboratories through grants and training opportunities
- Works with the state's 11 technical working groups to promote uniform testing methods, procedures and report language
- Collaborates with stakeholders to provide information about trends in forensic science disciplines

DNA Databank

- Administers the DNA Databank in partnership with the New York State Police Forensic Investigation Center
- Oversees efforts to collect DNA samples from individuals convicted of qualifying offenses in state law
- Verifies that samples were submitted for appropriate qualifying offenses or were provided in accordance with regulatory authority
- Releases the names of individuals after associations have been properly verified
- Oversees Partial Match and Familial Search programs

Membership

- Commissioner of the Division of Criminal Justice Services (Chair)
- Commissioner of the Department of Health (or designee)
- Chair of the New York Crime Laboratory Advisory Committee
- Director of a Public Forensic Laboratory in New York State
- Director of the DCJS OFS
- Two Scientists having experience in laboratory standards or quality assurance regulation and monitoring
- Representative of a Law Enforcement Agency
- Representative of Prosecution Services
- Representative of Public Criminal Defense Bar
- Representative of Private Criminal Defense Bar
- Member recommended by Temporary President of the Senate
- Member recommended by Speaker of the Assembly
- Judge or Attorney with background in privacy issues and biomedical ethics

Commission on Forensic Science

Membership and Authority

The Commission on Forensic Science is tasked with developing standards and a program of accreditation for all public forensic laboratories in New York State. Membership is outlined in Executive Law, with all appointments made by the Governor.

New York State accreditation is obtained by a majority vote of the Commission after its members review all of the laboratories' accreditation documents and any binding recommendations from its DNA Subcommittee. The DNA Subcommittee has oversight of accredited laboratories that perform DNA testing. Accreditation is granted for a two-year period for toxicology laboratories and a four-year period for forensic laboratories.

Laboratories retain state accreditation by continuing to meet the standards under which they were accredited. To monitor for continued compliance, the Commission requires laboratories to submit documentation related to its activities, including any notification of disciplinary action taken by another accrediting body. The Commission may revoke, suspend, or limit New York State accreditation as outlined in 9 NYCRR 6190.6 at any time.

The Commission meets quarterly, with meetings occurring virtually as well as in person in Albany or New York City. Meetings are subject to the state's Open Meetings Law. Members of the public may attend in-person meetings or access meetings online as they occur at criminaljustice.ny.gov.



DNA Subcommittee

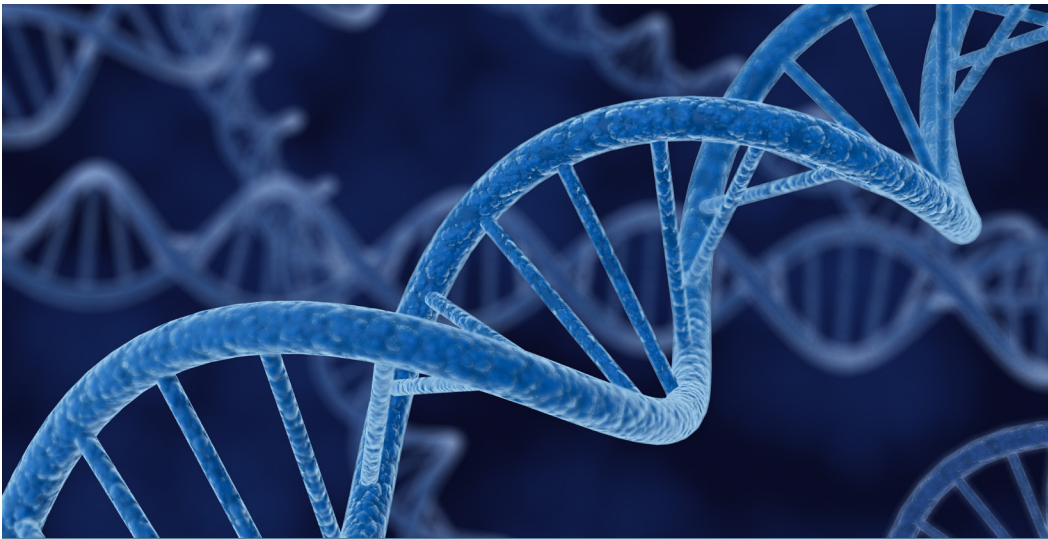
Membership and Authority

The DNA Subcommittee reviews all necessary documentation regarding the accreditation of laboratories conducting DNA testing and issues binding recommendations to the Commission to grant, deny, review, or modify forensic DNA laboratory accreditation.

The Subcommittee reviews forensic DNA laboratory accreditation documentation as part of continuing compliance, including any notification of disciplinary action taken by another accrediting body.

The Subcommittee can make binding recommendations to the Commission to revoke, suspend or limit a forensic DNA laboratory's accreditation.

The Subcommittee assesses and evaluates all DNA methodologies proposed to be used for forensic analysis in publicly funded and operated laboratories and makes reports and recommendations to the Commission about those methodologies and their use.



The DNA Subcommittee meets quarterly, with meetings occurring virtually as well as in person in New York City. Meetings are subject to the state's Open Meetings Law. Members of the public may attend in-person meetings or access meetings online as they occur at [criminaljustice.ny.gov](https://www.criminaljustice.ny.gov).

Membership

DCJS and/or DOH recommend individuals for appointment to the seven-member DNA Subcommittee.

The Chair is appointed by the Chair of the Commission on Forensic Science.

All Subcommittee members are scientists and must have expertise in the following disciplines as detailed in state law:

- Forensic Science (two)
- Laboratory Standards and Quality Assurance Regulation and Monitoring
- Molecular Biology
- Population Genetics (two)



Accreditation

The Commission on Forensic Science and DNA Subcommittee require all laboratories accredited by New York State to meet standards set by ANSI National Accreditation Board (ANAB) or the American Board of Forensic Toxicology (9 NYRCC 6190.3).

Accredited Laboratories:

- Erie County Central Police Services Forensic Laboratory
- Monroe County Crime Laboratory
- Nassau County Office of the Medical Examiner Division of Forensic Services
- New York City Police Department Laboratory
- New York City Office of the Chief Medical Examiner Department of Forensic Biology
- New York State DCJS Latent Print Laboratory
- New York State Police Crime Laboratory
- Niagara County Sheriff's Department Forensic Laboratory
- Onondaga County Center for Forensic Sciences
- Suffolk County Crime Laboratory
- Westchester County Division of Forensic Sciences
- Westchester County Department of Public Safety Crime Laboratory
- Yonkers Police Department Forensic Science Laboratory
- Erie County Medical Examiner Forensic Toxicology Laboratory
- Monroe County Office of the Medical Examiner Forensic Toxicology Laboratory
- Nassau County Office of the Medical Examiner Toxicology Laboratory
- New York City Office of the Chief Medical Examiner Forensic Toxicology Laboratory
- County Forensic Toxicology Laboratory
- Suffolk County Office of the Chief Medical Examiner Toxicology Laboratory
- Westchester County Division of Forensic Toxicology

Required Documentation

Annual Laboratory Summary: Prepared annually by OFS and attested to by a laboratory director (or designee) to confirm that all accreditation-related communications were provided by the laboratory to OFS and forwarded to the Commission and DNA Subcommittee as appropriate. The Commission and DNA Subcommittee review these documents at their first meeting of the year.

Performance Declaration: Prepared by a laboratory and submitted to OFS to certify the continued compliance with external accreditation requirements. This document is maintained in OFS with the laboratory's accreditation records.

Memorandum of Understanding: This agreement, signed by the laboratory, proper external accrediting body and OFS, ensures that all three entities remain in communication regarding continued compliance with accreditation standards. This document is updated periodically. Any communication between a laboratory and its external accrediting body must be sent to the OFS via email.

New York State's Forensic Science Infrastructure

Together, the New York Crime Laboratory Advisory Committee (NYCLAC) and 11 Technical Working Groups (TWGs) provide forensic science expertise to the Commission on Forensic Science, DNA Subcommittee, DCJS OFS, and other governmental agencies throughout the state. Their work helps to improve the efficiency and effectiveness of laboratory services and encourages consistency in reporting and testing methods across publicly funded and operated laboratories in New York State.

New York Crime Laboratory Advisory Committee (NYCLAC)

Membership: Laboratory Directors (or designees), OFS Director, and a representative from the state Office of Fire Prevention and Control

Meetings: At least twice a year, with others as needed

- Chair is selected by NYCLAC members and serves as a member of the Commission on Forensic Science for no more than two consecutive, three-year terms at a time.

Technical Working Groups (TWGs)

Membership: One voting member per TWG for every accredited discipline in each laboratory. If a laboratory has more than 15 examiners in the discipline, a designated alternate may also attend meetings.

Meetings: Each TWG determines when it meets using video-conference technology. Those meetings may be supplemented by in-person meetings if approved by NYCLAC and OFS.

- Members are asked to commit to serve for at least one, three-year term.
- Chair of each TWG is elected by its members and serves for at least one, three-year term.



Technical Working Groups by Discipline:

Biology/DNA Science
Crime Scene
Digital Evidence
Drug/Controlled Substances
Fire Debris
Firearms
Latent Print
Quality Assurance
Questioned Documents
Toxicology
Trace Evidence/Materials

Grants

The DCJS Office of Program Development and Funding manages the distribution of federal and state funding and ensures that all laboratories conform with grant reporting requirements. Funding staff consult with OFS to award and administer these programs.

State Funding

Aid to Crime Laboratories: Subject to annual available appropriation, DCJS provides funding to enhance the capacity of crime labs to process evidence to high standards in a timely manner. This grant requires quarterly progress reports, fiscal reports, Workload Survey Reports and timely submission of the laboratory's Annual Lab Summary and Performance Declaration.

Enhancement Grants: Additional state funding may become available to pay for specific initiatives. OFS will notify labs if these grants become available.

Federal Funding

Paul Coverdell Forensic Science Improvement Grant: As the state administering agency of this program, DCJS reviews and approves submitted plans and collects performance measure data quarterly. The grant requires that New York State designate an agency responsible for conducting external investigations; the state Office of the Inspector General has this responsibility.

DNA Capacity Enhancement for Backlog Reduction Program: As the state administering agency of this program, DCJS determines the funding allocations and notifies labs of the filing deadlines.

Laboratories submit **Workload Survey Reports** to OFS quarterly.

These reports document various metrics, including staffing, backlogs and efficiency.

They also assist with calculating funding, enhancing grant initiatives, identifying training priorities, sharing information among laboratories and informing decisions made by stakeholders.



Training

Increasing efficiency and effectiveness

OFS supports the continuous improvement of services in New York by offering training for analysts employed by accredited laboratories. Staff identify potential training topics through forensic science newsletters, conferences and other research. Members of the Commission, DNA Subcommittee, NYCLAC or TWG also may suggest training topics.

Training is primarily available online. When scheduling and funding permits, in-person trainings may be offered.

Web-based trainings cover areas required by accreditation or concepts encountered across several disciplines. The state offers these trainings through Sam Houston State University. Each laboratory has an appointed contact and OFS can provide a catalog of all course offerings. Topics of online trainings include:

- ANAB Guiding Principles
- Overview of Forensic Science
- Basis Statistics
- Ethics and Forensic Science

“Thank you for bringing this course in, it was very helpful.”

— FRStat 2017

“This was one of the most informative trainings I have attended. Thank you!”

— STRMix 2018

“Thank you for providing the labs the opportunity to take this course.”

— ANAB Assessor Training 2018

“Excellent speaker with vast knowledge ... I would take this course again.”

— Cognitive Bias 2019





Contacting OFS:



For correspondence regarding laboratory accreditation, issues for the Commission on Forensic Science or DNA Subcommittee, or laboratory disclosures: ForensicLabs@dcjs.ny.gov

For correspondence regarding Technical Working Group meetings or issues: TWG@dcjs.ny.gov

For correspondence regarding all in-person and online training: OFSTraining@dcjs.ny.gov

Office: (518) 457-1901

Fax: (518) 457-9384

www.criminaljustice.ny.gov



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