

June 6, 2024

Contact: Daniel Ball, [dball@bds.org](mailto:dball@bds.org)

**\*\*\*For Immediate Release\*\*\***

## **Brooklyn Defenders Lauds New York State Senate for Passing Landmark Legislation to Modernize the New York State Commission on Forensic Science**

**(Brooklyn, NY) - Elizabeth Daniel Vasquez, Director of Brooklyn Defenders' Science and Surveillance Project** released the following statement in response to the New York State Senate passing [legislation](#) that modernizes the oversight of the forensic sciences and technologies used in the criminal legal system and reforms the New York State Commission on Forensic Science to meet the needs of today:

“New York led the way for the nation by creating its Commission on Forensic Science thirty years ago when DNA technology was nascent. The state recognized that the introduction of science and technology to the criminal legal process would both challenge and revolutionize the legal system. With the passage of S9672, the New York State Senate has taken a monumental step towards bringing this oversight body into the 21st century.

We are now on the cusp of another shift in science and technology’s relationship to the criminal legal system brought on by the advances in data science and artificial intelligence. With this future-proofing legislation, New York has the opportunity to lead the way again by borrowing the best from Texas’s gold-standard model and adding a dedicated standing committee focused on racial justice to address the specific threats of technology.

S9672 will help avert the devastation of wrongful convictions and prevent the human costs of misapplied or mistheorized science. We thank Senator Michael Gianaris for championing this critical reform, and we urge the Assembly to follow in passing this legislation and call on Governor Hochul to sign it into law.”

### **Background**

[State Senate Bill S9672 \(Gianaris\)](#) amends executive law to reform the state’s Commission on Forensic Science.

The New York State Commission on Forensic Science was created in 1994 to oversee the use of traditional forensic DNA analytics, then still in early stages of development. However, the Commission’s structure, function, and responsibilities remain virtually the same as thirty years ago, despite today’s forensic technologies being far more complex and continuing to evolve.

Making the need for the change even more urgent, New York’s crime laboratories have faced [numerous problems](#) and [scandals](#) in the past several decades. These issues laid bare New York’s need for a modernized Commission, with robust investigative and oversight powers and an investment in standardizing and investing in quality.

This legislation makes three major changes to the New York State Commission on Forensic Science:

1. It restores substantive oversight power to the Commission by explicitly vesting it with investigative and disciplinary authority.
2. It requires transparency by limiting the use of executive session and constructing a uniform system for licensure and reporting.
3. It preserves community and Constitutional values by creating three new advisory committees to the Commission, including a first-of-its-kind “social justice, ethics, and equity assessment” committee.

The bill mirrors many of the best aspects of another Forensic Science Commission, the current best model developed in Texas.

While New York left its Commission structure stagnant, the state of Texas invested heavily in establishing and then iterating on its forensic oversight body. Responding directly to the wrongful convictions that were uncovered in the state, Texas constructed a robust and nation-leading system for investigating and reporting on junk science techniques, mis- and malfeasance in laboratories, and overall systems of quality and integrity. S9672 catches New York up to Texas and then pushes the state beyond that model, bringing New York to the forefront once again.

###