



Application to Request a Familial Search of the NYS DNA Databank

Please sign and submit applications electronically - call (518) 457-1901 for assistance.

Section A – To be completed by the Requestors

Law Enforcement Agency Contact Information

Agency:

Address:

Chief Executive Name:

Official Title:

Phone:

Fax:

E-mail:

Designated Representative Name:

Phone:

Fax:

E-mail:

Prosecutor Contact Information

Agency:

Address:

Chief Executive Name:

Official Title:

Phone:

Fax:

E-mail:

Designated Representative Name:

Phone:

Fax:

E-mail:



*Case Information*

Request Type:                      Initial Request                      Resubmission

CODIS Specimen ID Number of Forensic or Unidentified Human Remains (UHR) DNA Sample (enter only one):

Name of Forensic Laboratory that generated Forensic/UHR DNA profile:

Offense/Crime(s):

*Include the relevant section(s) of the NYS Penal Law, including the appropriate subsection(s). Separate multiple offenses with semicolons.*

Case Description:

*Include information regarding crime date, sample location, multiple cases with same sample, etc. The form field has no character limit and will auto-adjust font size to fit entered information. You may also attach separate documents in the application submission e-mail.*

***Review introductory video and sample application for additional guidance.***



Provide below:

A narrative establishing what reasonable investigative efforts have been taken to date; or

If there is an allegation that exigent circumstances exist, a description of those circumstances.

*The form field has no character limit and will auto-adjust font size to fit entered information. You may also attach separate documents in the application submission e-mail.*

***Review introductory video and sample application for additional guidance.***

Documentation is attached regarding proof of the above.

If documentation is attached, please outline below:

Requestor Certifications:

- 1) In signing this application, I certify that, to my knowledge and in my professional judgment, the above information is true and accurate; and
- 2) In signing this application, I certify that my agency agrees to abide by the roles, responsibilities, and terms of the New York State Familial Search Policy and Program, as set forth in Section E of this application, as well as all laws and regulations incorporated by reference therein.

Date:

Date:

Signature:

Signature:

\_\_\_\_\_

\_\_\_\_\_



Section B – To be completed by DCJS Office of Forensic Services

I confirm that the Requestors have certified that they believe the case requirements for a familial search request have been satisfied. This application has been assigned number:

Name: Date: Signature:

Section C – To be completed by State CODIS Administrator and State Police Laboratory Director

- Y N N/A The forensic/UHR DNA profile:
a. is a single-source, or a fully deduced profile originating from a mixture; and
b. the forensic DNA profile appears to have a direct connection with the putative perpetrator of the crime; or
c. the UHR DNA profile has have been developed from a deceased individual whose identity is unknown and whose death is suspected to involve the commission of a crime enumerated in 9 NYCRR 6192.3(h)(1); and
d. resides in SDIS; and
e. has been searched against DNA profiles in the State DNA Databank's offender index.

The sample is searchable within current NYSP validated parameters.

If no, select why:

If other, specify:

Documentation has been attached as proof of the above.

I confirm that the forensic/UHR DNA profile the sample requirements of the Familial Search Policy and Program

Name: Date: Signature:

I certify that my agency agrees to abide by the roles, responsibilities, and terms of the New York State Familial Search Policy and Program, as set forth in Section E of this application, as well as all laws and regulations incorporated by reference therein.

Name: Date: Signature:



Section D – To be completed by the Commissioner of DCJS or their Designee

Based on information provided by the Requestors, Case Requirements are satisfied: Y N

Based on information from CODIS Administrator, Sample Requirements are satisfied: Y N

Review Determination:

Request approved.

Request not approved.

If not approved, select why:

If "Other", explain below:

I certify that my agency agrees to abide by the roles, responsibilities, and terms of the New York State Familial Search Policy and Program, as set forth in Section E of this application, as well as all laws and regulations incorporated by reference therein.

Name:

Date:

Signature:

Section E – Roles, Responsibilities, and Terms

Law Enforcement Agency and Prosecutor (Requestors)

- 1. The forensic DNA profile was generated using the CODIS core loci and searched against DNA profiles of offenders contained in the DNA Databank prior to any familial search request and no associations (or "matches") to an offender have resulted from such routine search(es).
2. The UHR DNA profile was generated using the CODIS core loci and searched against DNA profiles contained in the DNA Databank prior to any familial search request and no identifications have resulted from such routine search(es).
3. The Requestors seek a familial search of the DNA Databank to be conducted by NYSP pursuant to 9 NYCRR 6192.
4. The forensic/UHR DNA profile is associated with an offense or crime as prescribed in 9 NYCRR 6192.3(h)(1)
5. The Requestors have certified above that:
i. reasonable investigative efforts have been taken in the case; or
ii. exigent circumstances exist warranting a familial search.
6. The Requestors have consulted with their local forensic laboratory to verify that the forensic/UHR DNA profile submitted is a single-source profile, or a deduced profile originating from a DNA mixture.
7. The Requestors have consulted with their local forensic laboratory to verify that the forensic DNA profile appears to have a direct connection with the putative perpetrator of the crime, or the UHR DNA profile has have been developed from a deceased individual whose identity is unknown and whose death is suspected to involve the commission of a crime enumerated in 9 NYCRR 6192.3(h)(1).
8. Requestors will satisfactorily complete, and demonstrate an understanding of, a mandatory training prior to the release of the search results.
9. Requestors acknowledge that the suspect has not been identified through other means before the familial search is requested.
10. If the suspect is identified through other means while the familial search request is in process, the Requestors will immediately notify DCJS and the familial search request will terminate.



11. The results of the familial search are for investigatory law enforcement purposes only. If provided, candidate offender name(s) shall be treated only as an investigative lead.
12. If candidate offender name(s) are provided by DCJS, the investigating Law Enforcement Agency will take all reasonable steps to pursue and complete the investigation, including, but not limited to, collection of reference samples(s) from the putative perpetrator or possible relative of the UHR for submission to the originating forensic laboratory, and provide updates to the Prosecutor in a timely manner.
13. If provided with candidate offender name(s), the Requestors will provide follow-up information to DCJS regarding the case at intervals determined by DCJS. Upon completion of the investigation, the Requestors will provide DCJS with a close-out update indicating whether the relative(s) of the offender(s) matched the forensic/UHR DNA profile.
14. The Requestors understand that if no candidate offender names are released after an initial familial search, another familial search can be requested. In the absence of exigent circumstance, such requests may be made every six months from the date of the results release.

**Division of Criminal Justice Services and New York State Police (DCJS and NYSP)**

1. DCJS will confirm that the case requirements listed in 9 NYCRR 6192 have been satisfied and the State CODIS Administrator will confirm that sample requirements listed in 9 NYCRR 6192 have been met, and that the forensic/UHR DNA sample falls within the approved validation parameters.
2. NYSP will conduct a familial search of the DNA Databank using validated and approved software that will estimate the kinship likelihood ratio between the source of the forensic/UHR sample and convicted offenders in the Databank.
3. NYSP will generate a candidate list based on established kinship threshold value(s) followed by Y-STR typing of the candidates, as appropriate.
4. If candidate offender profile(s) exceed the established kinship threshold value(s), and are supported by any additional testing performed, DCJS may provide the name(s) of possible relative(s) of the putative perpetrator or UHR in the above-referenced case.
5. Disclosure to the Requestors of candidate offender's name(s) will be provided in writing by DCJS in accordance with 9 NYCRR 6192.

**Confidentiality**

All parties with access to data derived from the DNA Databank are governed by the confidentiality requirements associated with the DNA profiles generated (see, Executive Law §§995-c; 995-d; 995-f). The obligations regarding confidentiality shall survive the termination of this application or the conclusion of the above-referenced case.

**Indemnification**

Each party referenced above, to the extent permitted by State or federal law, agrees to indemnify and hold the remaining parties, their officers and employees, harmless from and against any and all claims, demands, actions, suits, and proceedings brought by others arising out of these terms and conditions, and founded upon the negligence or other tortious conduct of a party.