

# RULE REVIEW

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## Division of Criminal Justice Services

Pursuant to § 207 of the State Administrative Procedure Act, the Division of Criminal Justice Services hereby gives notice that the Division has concluded its review of rules which must be reviewed in calendar year 2009.

I.D. number: CJS-16-04-00019

Description of subject matter: external audit requirement at mid-point of ASCLD/LAB Legacy program accreditation cycle; amendment of 9 NYCRR Part 6190.5.

Legal basis of the rule: Executive Law § 995-b(1)-(3)

Need for the rule: Executive Law § 995-b(1) requires forensic laboratories to obtain New York State accreditation. The requirements of laboratory accreditation are set forth in 9 NYCRR Part 6190. Part 6190 requires a forensic laboratory to be accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or the American Board of Forensic Toxicology, Inc. (ABFT) in order to obtain New York State accreditation. ASCLD/LAB offers two accreditation programs: the Legacy program and the International program. ABFT accreditation remains valid for a two year period, while ASCLD/LAB accreditation under both the Legacy and International programs remains valid for five years. Under the rules pertaining to the ASCLD/LAB Legacy program, inspections by the ASCLD/LAB are conducted every five years with self-assessments conducted annually by the laboratory. Due to concerns regarding the length of the ASCLD/LAB accreditation cycle and the absence of external inspections during the cycle, this rule added an external audit requirement midway through the ASCLD/LAB Legacy program accreditation cycle. This rule continues to set forth interim inspection requirements for forensic laboratories accredited under the ASCLD/LAB Legacy program.

This rule is being continued without modification because continues to address an important accreditation requirement. The Division is not aware of any problems or deficiencies with the rule. A summary of this rule was published in the January 28, 2009 edition of the *State Register*. The Division did not receive any public comments regarding this rule.

I.D. number: CJS-52-98-00006

Description of subject matter: provided for continuation of interim accreditation of forensic laboratories; required compliance with "Quality Assurance Standards for Forensic DNA Testing Laboratories;" amendment of 9 NYCRR Part 6190.5.

Legal basis of the rule: Executive Law § 995-b(1)-(3)

Need for the rule: Executive Law § 995-b(1) requires forensic DNA laboratories to obtain New York State accreditation. The requirements of laboratory accreditation are set forth in 9 NYCRR Part 6190. The interim accreditation provisions promulgated by this regulation have been modified. However, compliance with "Quality Assurance Standards for Forensic DNA Testing Laboratories" remains an accreditation requirement for forensic DNA laboratories.

This rule is being continued without modification because continues to address an important accreditation requirement. The Division is not

aware of any problems or deficiencies with the rule. A summary of this rule was published in the January 28, 2009 edition of the *State Register*. The Division did not receive any public comments regarding this rule.

I.D. number: CJS-49-98-00010

Description of subject matter: replacement of bench press element with push up element in physical fitness screening; amendment of 9 NYCRR Part 6000.8(b).

Legal basis of the rule: Executive Law § 840(2)

Need for the rule: Executive Law § 840(2) requires the Municipal Police Training Council within the Division of Criminal Justice Services to promulgate rules and regulations prescribing physical fitness requirements for eligibility of persons for provisional or permanent appointment in the competitive class of the civil service as municipal police officers. This rule amended the screening elements of the physical fitness test required by the Council by replacing the bench press element with a push up element. It continues to set forth the required physical fitness screening elements.

This rule is being continued without modification because continues to set forth an integral element of the physical fitness test required by the Council. The Division is not aware of any problems or deficiencies with the rule. A summary of this rule was published in the January 28, 2009 edition of the *State Register*. The Division did not receive any public comments regarding this rule.

