

## **Brief: Brown v. Haskell**

On Oct. 7, 2009 ACLU of Northern California (ACLU-NC) filed a lawsuit in federal court seeking to stop California's policy of mandating the collection of DNA upon felony arrest. The policy is a result of Proposition 69, enacted in 2004 upon voter approval and went into effect on Jan. 1, 2009.

The new law stipulates that individuals who are arrested for a felony crime shall provide DNA samples that will be stored in a criminal database made accessible to local, state, national, and international law enforcement agencies.

In December of 2009, the United States District Court for the Northern District of California rejected ACLU-NC's request for a preliminary injunction which would prevent the State from collecting, analyzing, and databasing DNA samples from Californians who have been arrested but not yet convicted.

Then Attorney General Jerry Brown maintains that the practice of DNA collection upon felony arrest is both legal, as well as effective in fighting crime.

The timing of the suit coincided with the highly public case of Lonnie Franklin Jr., who was arrested in the case of the "Grim Sleeper." Soon after, a state crime lab found markers in DNA collected at "Grim Sleeper" murder crime scenes that were similar to Franklin's son, whose DNA was already in the state database.

Currently, California and Colorado are the only states who have approved the use of familial DNA connections in criminal investigations.

Southern California Public Radio Online. "California Attorney General Jerry Brown: DNA collection legal, effective." July 13, 2010.

ACLU Northern California Online. "Cases: Haskell v. Brown." July 13, 2010.