

Protecting The Public With Arrestee DNA Database Legislation

ISSUE: The majority of States do not provide the public with adequate protection from repeat, violent offenders because of limited DNA database laws. Failure to pass these laws also results in cold cases remaining unsolved – leaving the perpetrator on the street while the victim awaits justice.

FACTS:

Background

- The national DNA database system is named the Combined DNA Index System (CODIS), and was created in the early 1990's by the FBI. Every State participates in CODIS.
- CODIS has aided the investigation of more than 129,000 cases (www.fbi.gov/hq/lab/codis/clickmap.htm).
- 50 States require DNA from all convicted felons.
- 25 States and Congress have passed laws to require DNA upon arrest for certain felonies.

Solves and Prevents Crime

- **Case studies of 19 offenders in just six States have identified 168 crimes that could have been prevented** by collecting DNA upon felony arrest. By missing this opportunity to compare the DNA of arrestees to unsolved crimes, law enforcement unwittingly released violent criminals back into the community – often to murder and rape more citizens. (www.DNASaves.org)
- Virginia has received over 5,000 hits on their database, with more than 500 of these matches directly attributable to arrestees (www.dfs.virginia.gov/statistics/index.cfm)
- Since implementation of Proposition 69 to require DNA for felony arrests, California is now making approximately 10 cold hits *per day* on its database
- New Mexico has made more than 169 matches to arrestees since implementing its law in 2007.
- Since 1974, more than 90 percent of all state prisoners have been repeat offenders. 70% of America's crime is committed by 6% of its criminals. *Bright Lines, Dark Deeds: Counting Convictions Under the Armed Career Criminal Act* by James E Hooper; *Michigan Law Review*, Vol. 89, 1991

Frees the Innocent

- More than 200 wrongfully convicted individuals have been exonerated through post conviction DNA tests – many were not fully exonerated until after a DNA match was made on the database to another offender (www.innocenceproject.org)
- One of the first matches in New Mexico from “Katie’s Law” for arrestee testing exonerated a man awaiting trial for the murder and rape of a child. The match also identified the true killer.

Saves Money

- By identifying the true perpetrator quickly, DNA helps law enforcement focus investigations on the right suspect, rather than chasing down false leads.
- Prosecutors can use DNA matches to consolidate cases and pursue the most egregious charges.
- Courts realize savings from guilty pleas entered after suspects are confronted with DNA evidence.
- Persons wrongfully accused of heinous crimes can be quickly eliminated as possible suspects.
- In a study sponsored by the US Department of Justice, the City of Denver, Colorado found that for every \$1 spent on DNA, a \$90 return on investment was found in savings on crime and investigative costs. (“Using DNA to Solve High Volume Property Crimes in Denver: Saving Money, Lowering Crime Rates and Making Denver Safer.” *The Prosecutor*, July/August/September 2008, ISS No. 0027-6383, National District Attorneys Association)

Not a privacy intrusion

- The 9th and 3rd Circuit Courts of Appeals and the Virginia State Supreme Court have ruled that collection of DNA upon felony arrest does not violate the 4th amendment. (www.denverda.org/DNA/DNA_Arrestee_Database_Cases.htm)
- Forensic DNA analysis does NOT include data relating to genetic health information.
- No identifying information is included on CODIS, not even a name.